
From: [REDACTED]
Sent: Monday, 4 May 2026 8:24 PM
To: Kingborough LPS
Cc: TPC Enquiry
Subject: Submission on the Kingborough draft Local Provisions Schedule - [REDACTED]
Allen's Rivulet
Attachments: Denbeigh_Armstrong_[REDACTED]Allens_Rivulet_Submission_040526.pdf;
Allens_Rivulet_Nierinna_Margate_Collective_Submission_040526.pdf

Dear Commissioner Heath,

Please find attached a written submission in relation to the recommendations made in the Ireneinc report.

I also attach the collective submission of 35 landowners in the Allen's Rivulet / Nierinna corridor who jointly lodged a collective submission dated 4/5/2026. I am a signatory to this submission. I adopt the arguments in that collective submission and incorporate them into this individual submission by reference. I have provided a copy of the collective submission as an attachment to this submission.

Yours sincerely
Denbeigh Armstrong

[REDACTED]
[REDACTED]

WRITTEN SUBMISSION TO THE TASMANIAN PLANNING COMMISSION

Kingborough Local Provisions Schedule — Direction 69 / Ireneinc Report

COLLECTIVE SUBMISSION -ALLEN’S RIVULET/NIERINNA CORRIDOR

PART 1 — SUBMISSION IDENTIFICATION

Locality	Allens Rivulet and Nierinna (Margate)
Submission type	Collective cover submission — Direction 69 / Ireneinc Report
Number of signatories	35
Lodgement date	Monday 4 May 2026
Contact person for this group	Denbeigh Armstrong, [REDACTED]

PART 2 — SIGNATORIES

The following landowners are parties to this collective submission. Each signatory has also lodged their own individual submission addressing their specific property.

Full name	Property address	Title reference	Zone proposed (Ireneinc)	Zone sought
[REDACTED]	450 Allens Rivulet Road, Allens Rivulet TAS 7150	9558720	LCZ	RLZ-D
[REDACTED]	446 Allens Rivulet Road, Allens Rivulet TAS 7150	5772034	RLZ	RLZ-B
[REDACTED]	442 Allens Rivulet Road, Allens Rivulet TAS 7150	5772042	RLZ	RLZ-B
[REDACTED]	410 Allens Rivulet Road, Allens Rivulet TAS 7150	2130351	LCZ	RLZ-D
[REDACTED]	400 Allens Rivulet Road, Allens Rivulet TAS 7150	1727025	LCZ	RLZ-D

Full name	Property address	Title reference	Zone proposed (Ireneinc)	Zone sought
	360 Allens Rivulet Road, Allens Rivulet TAS 7150 (9.63 ha)	5772050	RLZ-C	RLZ-C
	362 Allens Rivulet Road, Allens Rivulet TAS 7150 (14.24 ha)	5772050	LCZ	LCZ/RLZ split zone
	31 Mudges Road, Allens Rivulet TAS 7150	2760230	LCZ	RLZ-D
	35 Mudges Road, Allens Rivulet TAS 7150	9178754	LCZ/RZ split	RLZ -D
	██████████ Allens Rivulet TAS 7150	1958288	LCZ/RZ split	RLZ-D
	139 Maudsleys Road, Allens Rivulet TAS 7150	1957322	LCZ	RLZ-D
	134 Maudsleys Road, Allens Rivulet TAS 7150	2849083	RZ	RLZ-D
	136 Maudsleys Road, Allens Rivulet TAS 7150	1964928	LCZ/RZ split	RLZ-D
	57 Cliff View Drive, Allens Rivulet TAS 7150	1890084	RZ	RLZ-D
	75 Mountain Road, Allens Rivulet TAS 7150	5772114	LCZ	RLZ-C
	80 Mountain Road, Allens Rivulet TAS 7150	9717721	LCZ	RLZ-D
	100 Mountain Road, Allens Rivulet TAS 7150	9564560	LCZ/RLZ split	LCZ /RLZ split
	315 Lawless Road, Margate TAS 7054	9126946	LCZ	RLZ-D
	225 Lawless Road, Margate TAS 7054	3070020	LCZ/RZ split	RLZ-D
	152 Lawless Road, Margate TAS 7054 (also listed as 37 Mudges Rd)	5773416	LCZ/RZ split	RLZ-D
	Lot 3 Lawless Road, Margate TAS 7054	2601512*	LCZ	RLZ-D
	41 Cuthberts Road, Margate TAS 7054	2599854	LCZ/RZ split	RLZ-D
	39 Cuthberts Road, Margate TAS 7054	2599862	LCZ/RZ split	RLZ-D

Full name	Property address	Title reference	Zone proposed (Ireneinc)	Zone sought
	28 Hillcrest Road, Margate TAS 7054	9478677	LCZ	RLZ-D
	530 Nierinna Rd, Margate TAS 7054	5787682	LCZ	RLZ-D
	540 Nierinna Rd, Margate TAS 7054	9980418	LCZ	RLZ-D
	510 Nierinna Rd, Margate TAS 7054	1951510	LCZ	RLZ-D
	470 Nierinna Rd, Margate TAS 7054	9980418	LCZ	RLZ-D

Supporting property signatories

The following properties are also included in this collective submission. While they are not affected by the Ireneinc report and have not received an invitation to submit, they form an important part of our submission. Consent for inclusion in this submission is provided at Part 8. From here on in, these properties will be referred to as “supporting properties”.

Full name	Property address	Title reference	Zone proposed (KC)	Would accept zone
	53 Maudsleys Road, Allens Rivulet TAS 7150	7883491	RZ	RLZ-D
	86 Maudsleys Road, Allens Rivulet TAS 7150	1547905	RZ	RLZ-D
	87 Maudsleys Road, Allens Rivulet TAS 7150	1534629	RZ	RLZ-D
	19 Mudges Road, Allens Rivulet TAS 7150	1554064	RZ	RLZ-D
	21 Mudges Road, Allens Rivulet TAS 7150	2760222	RZ	RLZ-D
	20 Mudges Road, Allens Rivulet TAS 7150	1660668	RZ	RLZ-D
	149 Blue Gate Road, Margate TAS 7054	9178753	RZ	RLZ-D

PART 3 — PURPOSE OF THIS SUBMISSION

We are a group of neighbouring landowners in the Allens Rivulet and Nierinna (Margate) locality. We have each received a letter from the Tasmanian Planning Commission (TPC) advising that the Ireneinc report has recommended a zone for our property as part of the Kingborough Local Provisions Schedule (LPS).

We are lodging this collective submission to present our shared position to the Commission. Our properties share a common settlement character and landscape context, and we believe the same zone outcome is appropriate for all of them.

Each of us has also lodged an individual submission using the appropriate individual template. Those individual submissions contain the property-specific evidence for each title. This collective submission is not a substitute for those individual submissions — it sits alongside them.

Summary of key arguments

In this submission, we put forward several arguments to support the claim that our properties satisfy the Rural Living Zone guidelines and that the risk of applying this zone to our properties is low. These arguments include:

1. **Our properties meet Zone Guidelines for RLZ.** RLZ 1(a) applies to large-lot residential areas with mixed residential and rural uses, prioritizing amenity. RLZ 2(b) allows converting ELZ land to RLZ for primarily residential rural use with similar lot sizes. Our properties satisfy both criteria as shown in Part 4.
2. **The overlay codes perform landscape-protection, not the zone.** All properties are subject to Natural Assets, Scenic Protection, Bushfire-Prone Areas, and Landslip Hazard codes. These overlays handle landscape protection where they apply, removing the need for LCZ. Changing to LCZ adds no additional conservation; it only makes existing residential use discretionary, contrary to the Zone Guidelines for established residential areas.
3. **LCZ misrepresents the landscape: it would damage the values it aims to protect.** The Allens Rivulet/Nierinna corridor's landscape value is its rural mosaic of paddocks, orchards, and regrowth. Research shows that removing active management results in canopy closure, habitat loss, homogenisation, and increased fire risk. LCZ limits management; RLZ supports it.
4. **Consistency with similar localities demands the same outcome.** The TPC accepted full ELZ-to-RLZ transitions at Day 20 for Kettering East, Howden, Albion Heights, and Tinderbox West, which share characteristics similar to ours. Ireneinc found LOW RISK for RLZ at Decision Point 6 for properties in Allens Rivulet that reached that question. The principle applied there also applies here. Section 34(2)(g) LUPAA requires the Commission to ensure the zone application is consistent and coordinated. Applying LCZ or RZ to properties with identical features to those receiving RLZ would breach this obligation.
5. **Three STRLUS provisions authorise RLZ for our properties.** TPS Addendum SRD 1.3 allows ELZ-to-RLZ translation aligned with RLZ purpose. SRD 1.3(a) recognises the established rural community, like Allens Rivulet. SRD 1.3(c) supports infill and consolidation along Maudsleys Road. These do not depend on the Ireneinc decision tree. The STRLUS hierarchy classifies other settlements as 'Very Low Growth / Consolidation,' supporting RLZ: LCZ and RZ conflict with consolidation, while RLZ subcategories suited to existing lot sizes promote it.

PART 4 — SHARED CHARACTERISTICS OF OUR PROPERTIES

The properties listed in Part 2 share the following characteristics. We ask the Commission to have regard to these shared characteristics when considering each of our individual submissions.

4.1 — Settlement pattern

Our properties form part of the established rural residential settlement of Allens Rivulet and Nierinna (refer Figure 1). In Allens Rivulet, properties are located along Allens Rivulet Road, Maudsleys Road, Mudges Road, Mountain Road, and Cliff View Drive. In Nierinna, properties are located along Lawless Road, Cuthberts Road, Hillcrest Road and Nierinna Road. A further property in Margate is located at the end of Blue Gate Road. Each property fronts a road or has private driveway access from a crown reserve road which adjoins a road and shares the same access network into the wider Allens Rivulet and Nierinna locality and out to the Channel Highway via Allens Rivulet, Nierinna or Blue Gate Road.

These properties form a contiguous rural-residential precinct on the slopes and foothills of the ridge between Hickman's Hill, Knots Hill, and Perrins Ridge. An aerial photo of the properties involved in this submission is provided in Figure 2. A list of all properties, their land size, current, proposed, and preferred zoning, and other settlement characteristics is provided in Appendix 1.

The settlement pattern across both localities consists of established rural residential lots used for residential and rural living purposes. Most properties contain an existing dwelling, associated outbuildings, and rural activities such as hobby farming and grazing. This settlement character has existed in its current form for several decades under Environmental Living Zone (ELZ) and Rural Resource (RRZ) designations and their predecessors. The titles were created in the post-Tree Pull subdivision era of the 1970s through 1990s, following the collapse of Tasmania's apple export market and the consequent fragmentation of the orchards and grazing runs that previously occupied the lower Channel district.

Figure 1: *Boundary of the properties referred to in this collective submission, showing Council and Irenic zones*

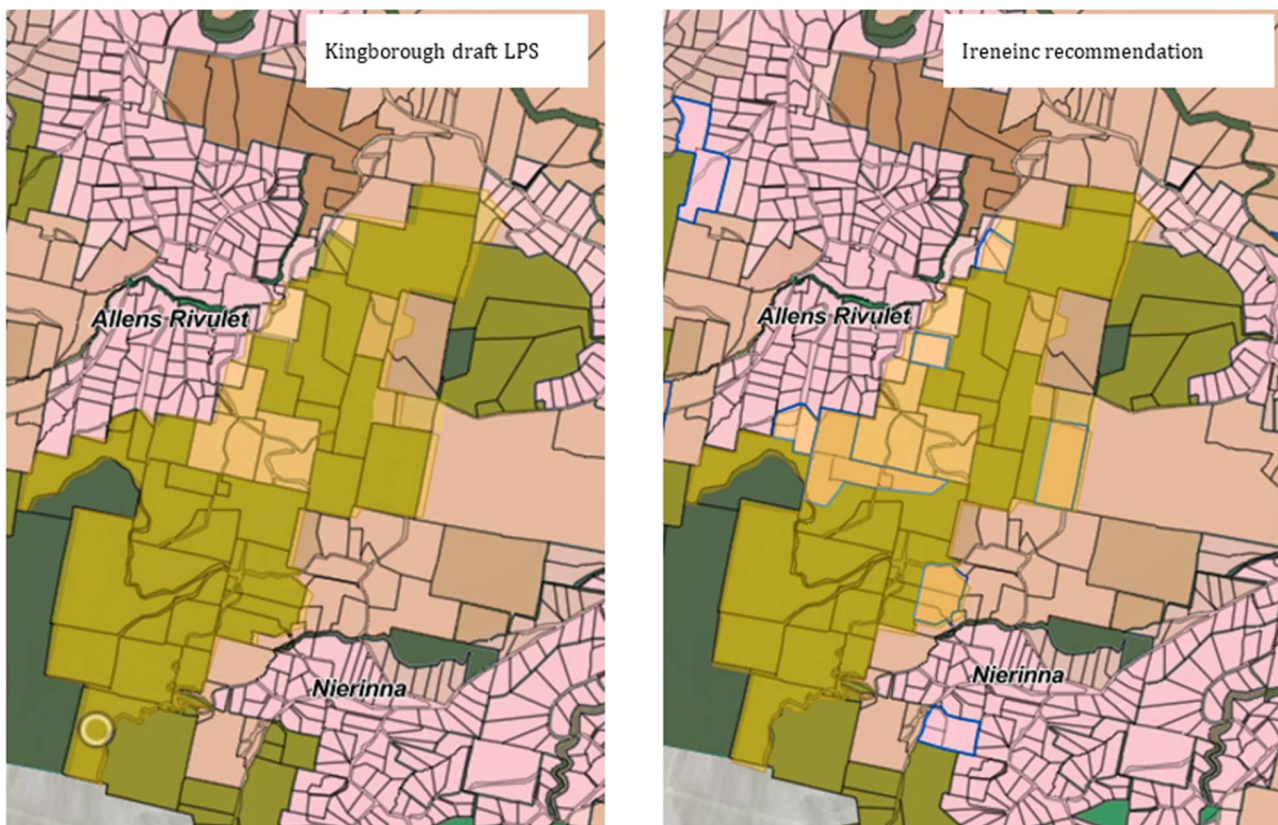
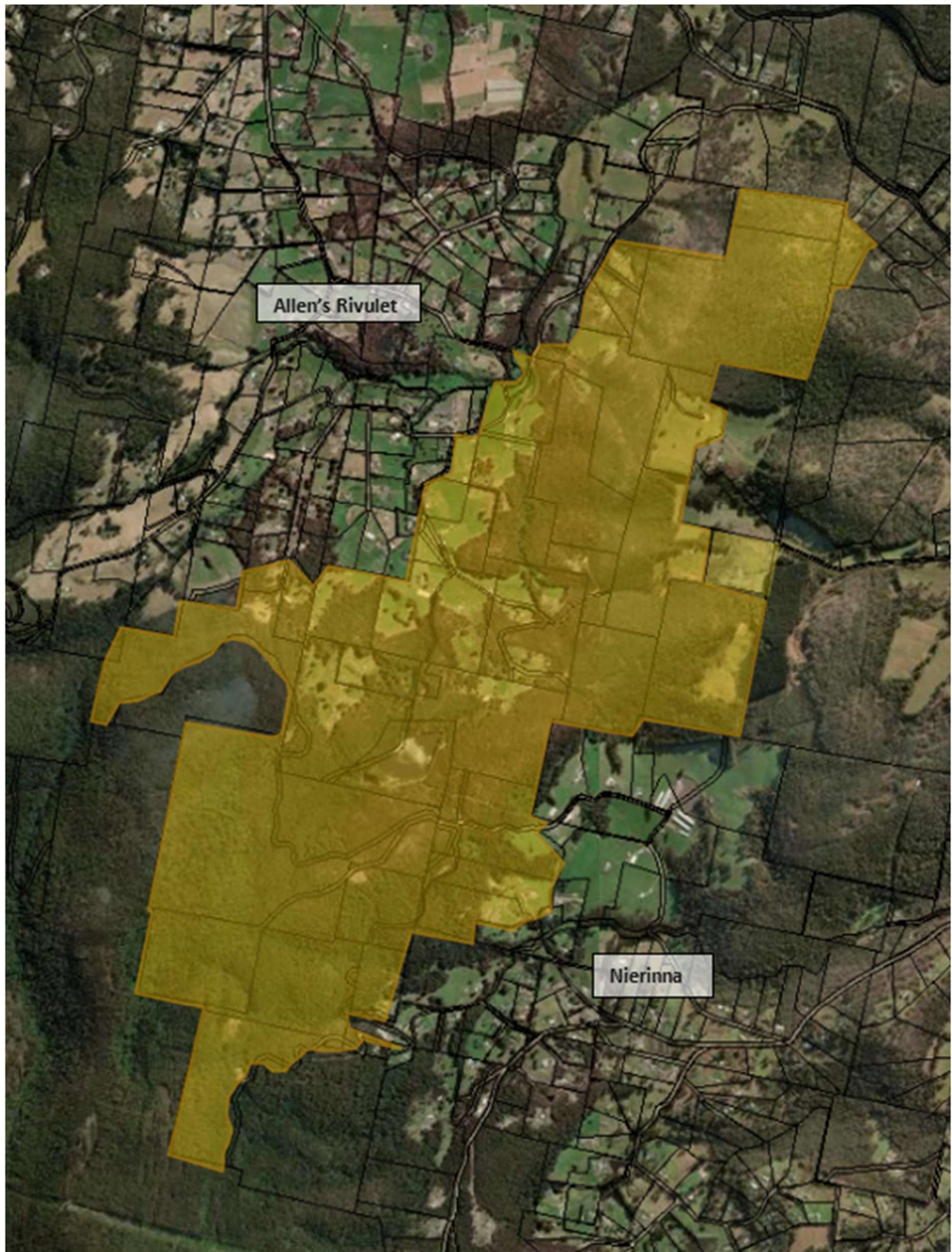


Figure 2: Our properties form a contiguous rural-residential precinct on the slopes and foothills of the ridge between Hickman's Hill, Knots Hill, and Perrins Ridge.



4.2 — Typical lot sizes

Lot sizes across our group range from approximately 1 ha to 74.20 ha. Most properties fall within the 2 ha to 20 ha range. These lot sizes broadly align with RLZ subcategories, as illustrated in Table 1. For the larger-lot properties on Allen's Rivulet Road, Maudsleys Road, Mudges Rd and Lawless Rd (20+ ha), RLZ-D is the specifically designed designation: its 10-ha minimum lot size matches the existing ELZ threshold (1 dwelling per 10 ha), preserving the status quo for subdivision while accurately reflecting the residential character of these properties.

Table 1 – Number of properties by lot size

Size	Number of properties (incl in Ireneinc)	Number of supporting properties	Consistent with RLZ
2-5 ha	6	2	RLZ-B
5-10ha	7	3	RLZ-C
10-20ha	5	2	RLZ-D
20-40ha	6	0	RLZ-D
40-80ha	2	0	RLZ-D
For the exact size of each property, see Appendix 1			

The Ireneinc Independent Review confirms that RLZ D is the proper translation for ELZ titles where the primary strategic intention is residential use in a rural setting and the existing minimum allowable lot size is 10 ha or greater. This situation accurately describes our group's larger titles, and RLZ D was specifically created for this purpose. In other words, lot size does not exclude a property from RLZ; instead, it is the key factor the State Planning Provisions use to categorise properties into the appropriate subcategory.

4.3 — Existing uses

As evidenced in individual submissions, every property in this submission falls within one of two categories:

- a) Titles improved with an existing dwelling used as a permanent residence and related outbuildings such as sheds, garages, water tanks, and dams. They also feature private driveways, fenced paddocks, gardens, and, on most sites, a mix of land management activities, hobby farming, small-scale lifestyle grazing (including sheep, horses, cows, and chickens), beekeeping, fruit trees, household vegetable gardens, or low-intensity horticulture such as organic herb farming. These align with RLZ purpose statement 11.1.2, which emphasises "compatible agricultural use and development that does not adversely impact on residential amenity."
- b) Titles bought specifically to establish a permanent residence that are held for several years as owners work through designing the dwelling, arranging financing, conducting bushfire-attack-level assessments, and obtaining other approvals. This is a typical process from purchasing a rural-residential block to moving in.

With one exception, none of the properties in our group engages in activities like commercial agriculture, horticulture, plantation forestry, native forest harvesting, intensive animal husbandry, mining, quarrying, or any large-scale primary production. There are no active commercial orchards, sawlog or pulpwood

operations, or grazing enterprises. One property features a 1-hectare organic herb-growing operation. Aside from this, the land is primarily used for residential purposes by households whose incomes come from Hobart, Kingston, and Margate, valuing rural living as a lifestyle.

This description aligns with a typical Rural Living community.

4.4 — Landscape and vegetation character

Our properties feature a varied landscape of partially cleared residential and garden areas near dwellings and access tracks, gradually blending into semi-vegetated paddocks or pastures across the working section of the title. Larger titles also include regenerated bushland on the elevated rear of the lot, where the terrain rises into ridgelines. This layout is common on rural residential lots in Tasmania's hill country.

Importantly, the bushland on the upper parts of these titles is not pristine primary forest. Examples of landscapes altered by post-colonial human activity across our properties include:

- *Logging* in the Channel district was extensive, starting from the colonial era and continuing until the 1960s when selective logging ended. Much of the elevated land above Allens Rivulet was also selectively logged before being subdivided into the current rural-residential pattern. Aerial photos from the 1980s clearly show signs of clear-felling on the hillside behind the dam at the top of Maudsleys Rd. The nearby Kaoota Tramway rail line supported some of this logging activity.
- *Grazing* - this area was also extensively grazed, including bush grazing, and some of the fencing from this activity remains in place.
- *Fire* - the area was burnt during the 1967 fires, and stags from this event are visible today.
- *Horticulture* – small fruit orchards were scattered across the lower hills.

The vegetation now present on the upper portions of the relevant properties in this submission is predominantly post-logging regrowth on private rural residential land. This is a regenerated working landscape, not pristine wilderness. A detailed analysis of landscape character change in the Allen's Rivulet/Nierinna (Margate) area between 1965 and 2025 is provided in Appendix 2.

The European Landscape Convention is the international reference instrument for landscape policy. Under this policy, landscape is defined as 'the product of the action and interaction of natural and human factors'¹. The cleared-and-treed composition of the hills south of Hobart is, by this definition, a cultural landscape: it reflects approximately 10,000 years of Tasmanian Aboriginal patch-burning, followed by approximately 200 years of European grazing, sawmilling, orchards, and horticulture. Research on regional land-cover change confirms that landscape openness (on average 50%) has been a persistent feature of the Holocene in Tasmania, reflecting active human management rather than natural succession².

"Regional land-cover estimates for forest and non-forest plant taxa show persistent landscape openness throughout the Holocene (average landscape openness ~50%) ... This finding challenges the long-held notion that Tasmania's wilderness is a product of the absence of human activity." Mariani et al. (2017)²

The observable trajectory along the Allens Rivulet — Nierinna Rd corridor is encroachment, not conservation.

Over the past fifty years, the trend has been toward increasing canopy cover. As activities like grazing, sawmilling, orchards, and small-scale horticulture decline, natural regrowth has filled the open spaces. Tree lines have become denser, paddocks smaller, and edge habitats (the rich zones where open landscapes meet wooded areas) have diminished. The landscape, which was once a mosaic of open and wooded areas,

¹ Council of Europe (2000) European Landscape Convention, ETS No. 176, Article 1(a)

² Mariani, M. et al. (2017) 'How old is the Tasmanian cultural landscape?', Journal of Biogeography, 44(10), pp. 2410–2420

is now increasingly turning into uniform, closed-canopy forests. This shift is currently occurring, even without the influence of the LCZ. Introducing the LCZ could speed up and prolong this trend.

Research quantifying fire regime change across Tasmania confirms this pattern at the regional scale:

“We estimate that 41% of the flammable vegetation (forest and treeless combined) that Robinson traversed has not been burned in the last 50 years, with 32% of the treeless moorland and scrub vegetation currently in a long-unburned state ... Many of these are now dense scrub. This is the first time this scrubby thickening has been shown to have occurred at regional scale in Tasmania.”³

Reforestation by abandonment degrades biodiversity and landscape quality.

Peer-reviewed research shows that withdrawing active land management, such as grazing, selective clearing, small-scale horticulture, and cool burning, leads to structural homogenisation. Lindenmayer et al. describe a 'landscape trap' in which landscapes shift into and remain in a compromised state due to feedback between human and natural disturbances⁴. Active, low-intensity intervention restores mosaic structure, enhances biodiversity, and reduces bushfire risk⁵. The working rural mosaic (the interface of cleared paddocks, grazed openings, remnant bush and regrowth edge) is not a degraded natural state. Rather, it is the landscape value that active occupation under the RLZ maintains. Residential activity and associated low-intensity land management are now the main factors sustaining this mosaic in much of rural Kingborough. The RLZ, with its permitted residential use and compatible land uses, provides the necessary planning framework to support this.

The LCZ prohibits or restricts the very activities that evidence shows are essential: residential land use, selective clearing, small-scale grazing, horticulture, sawmilling, and bushfire fuel reduction. In the mosaic landscape, this is not conservation but managed abandonment. Withdrawing human activities leads to canopy closure, loss of edge habitat, homogenisation, and increased fire risk. This is the degradation sequence described in the landscape trap literature.

For examples of the mosaic landscape in rural Kingborough, including areas identified by Kingborough Council and Ireneinc as having high landscape value, see Appendix 3.

The landscape values the LCZ aims to protect are not the result of natural succession; they are the outcome of sustained human land management over millennia, from Aboriginal patch-burning to post-invasion grazing, clearing, orchards, and horticulture. These activities intentionally shaped a landscape of conservation value; they are the reason for its current character. A zone that limits activities responsible for shaping and preserving the landscape cannot safeguard its values and may even hasten their decline. Using the LCZ approach in the mosaic landscape does not equate to conservation; rather, it removes the fundamental conditions that sustain these values.

The Tasmanian Planning Scheme clearly states:

11.0 Rural Living Zone

11.1 Zone Purpose

The purpose of the Rural Living Zone is:

11.1.1 To provide for residential use or development in a rural setting where:(a) services are limited; or(b) existing natural and landscape values are to be retained.

³ Bowman, D.M.J.S. et al. (2026) 'Fire regime change in western Tasmania between 1830 and 2025', Geographical Research, 64(1), e70046.

⁴ (Lindenmayer, D.B. et al. (2011) 'Newly discovered landscape traps produce regime shifts in wet forests', Proceedings of the National Academy of Sciences, 108(38), pp. 15887–15891)

⁵ Furlaud, J.M. et al. (2023) Journal of Environmental Management, 344, 118301; Kirkpatrick, J.B. et al. (2011) Journal of Applied Ecology, 48(3), pp. 642–649

The RLZ, with its permitted residential land use, and a range of permitted and discretionary land uses that, in combination with the Codes, can facilitate the appropriately regulated low-intensity activities needed to maintain and restore natural and landscape values.

The progressive canopy closure described above is evident in LiDAR-derived canopy height data for the Allens Rivulet area. The three figures below compare tree canopy height in RLZ and RL land adjacent to the subject area with that in the LCZ-proposed subject area. RLZ and RZ land contain high-canopy forest, whereas the LCZ subject area is dominated by low-canopy regrowth, consistent with post-agricultural regeneration following the cessation of active land management. This demonstrates that the landscape trap is an observable and measurable condition in the current landscape.

In summary, the RLZ provides a balanced framework for managing human activities that support the mosaic landscape. According to peer-reviewed evidence and Zone Guidelines, the RLZ is most effective in fulfilling the landscape objectives for areas in Kingborough with this mosaic landscape.

In the next section, we address the function and purpose of code overlays, emphasising their role in protecting ecological and scenic values.

Figure 2. Tree canopy height — RL and Rural-zoned areas, Allens Rivulet. High-canopy forest is concentrated in the zones adjacent to the LCZ subject area.

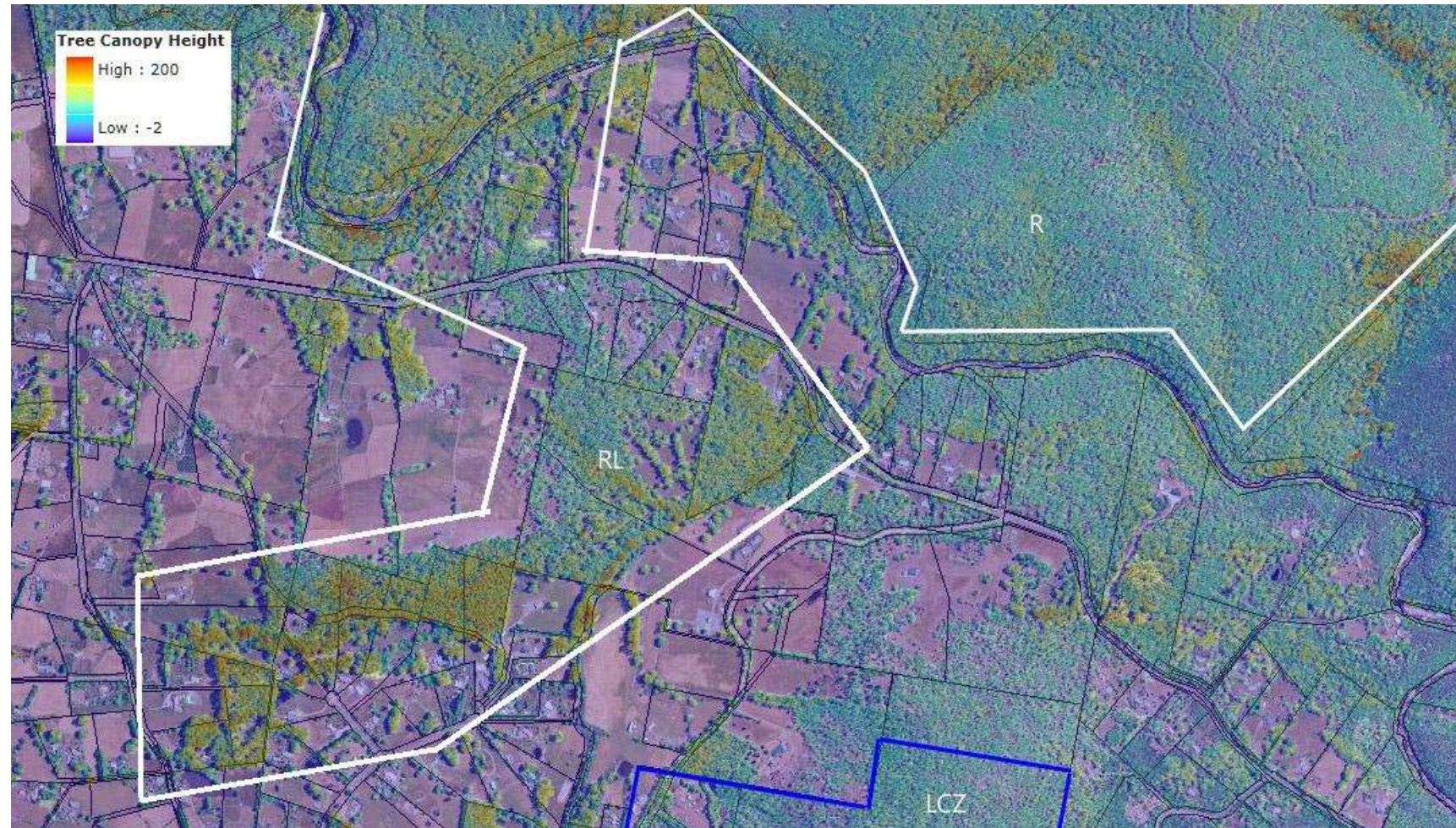


Figure 3. Tree canopy height — LCZ subject area. Areas with similar vegetation patterns to adjacent RL-zoned land are visible.

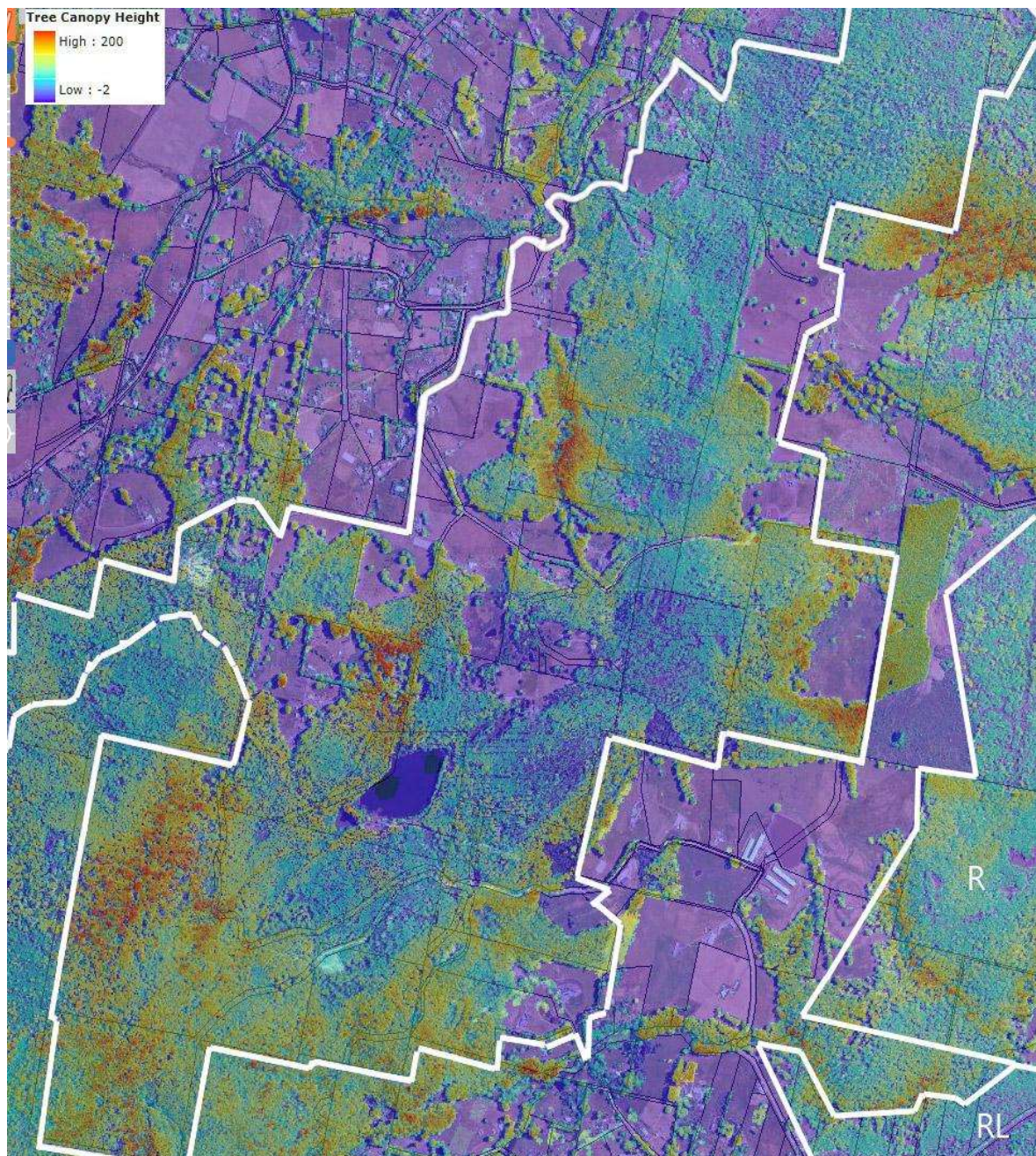
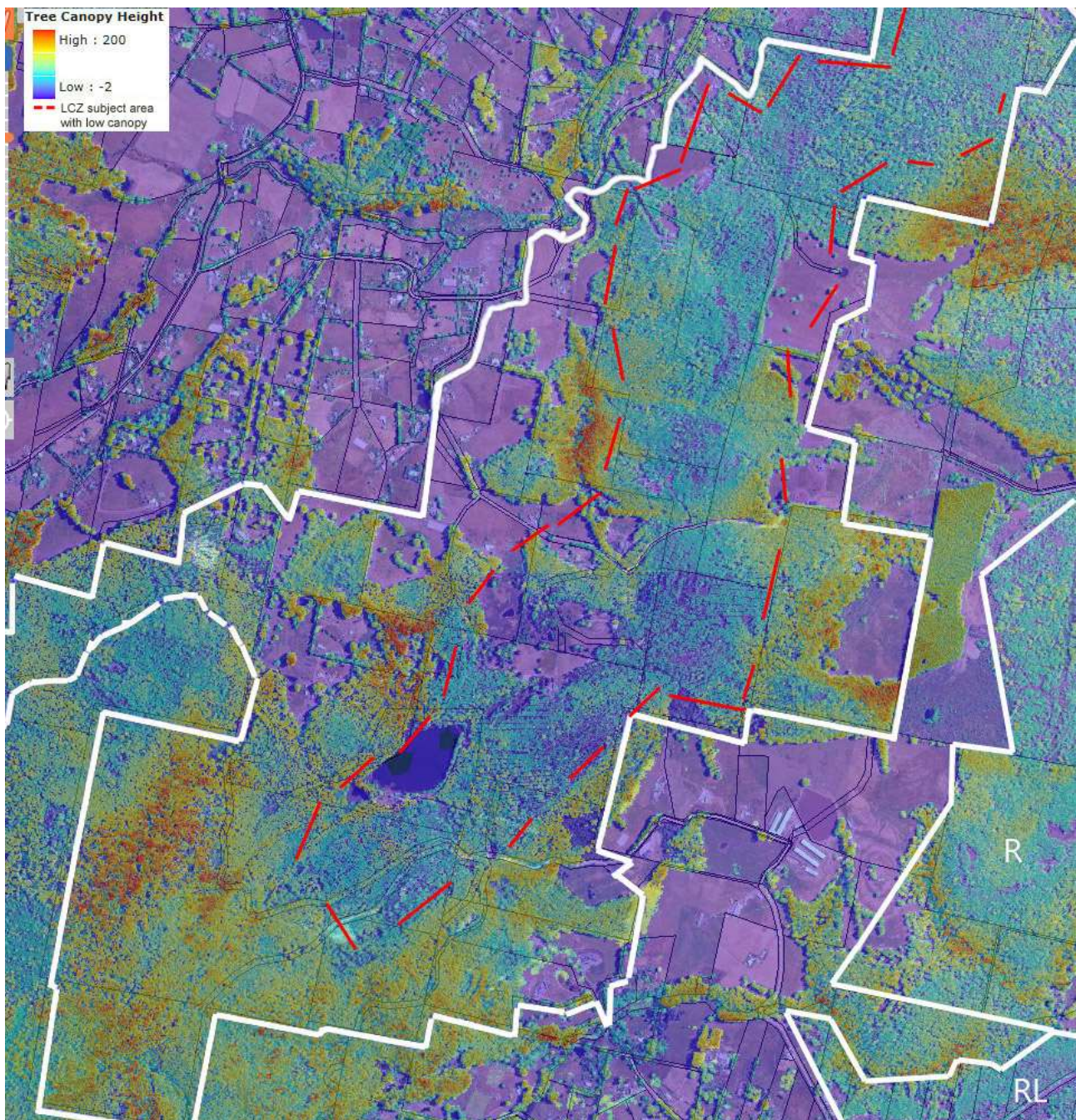


Figure 4. Tree canopy height — LCZ subject area. Red highlights show LCZ areas with majority low-canopy regrowth.



4.5 — Overlay controls

Our properties' vegetation and landscape values are protected by overlays like the Natural Assets Code, Scenic Protection Area Code, Bushfire-Prone Areas Code, Flood-Prone Areas Code, and Landslip Hazard Code. These apply regardless of zone; none are unlocked by LCZ, and all are available under RLZ. A full list of codes that apply to each property in this submission is provided in Appendix 1.

These overlays are the main protective tools, imposing legally binding restrictions on activities like clearing, earthworks, building, and development in sensitive areas. They inform landowners about considerations when proposing vegetation removal, construction, visual changes, or other projects. Their protective role works in RLZ, LCZ, RZ, or other zones. They do not need LCZ to function, as the Ireneinc report in section 5.3.1 confirms. The report states that managing landscape values through relevant codes determines if RLZ is suitable, and these overlays fulfill that requirement.

The Tasmanian Planning Commission itself accepted at Day 20 of the Kingborough Planning Scheme hearings [02:33:54] that the Priority Vegetation Area overlay and Scenic Protection Code perform the landscape-protection function, removing the justification for LCZ in areas where those overlays apply. LCZ adds no additional conservation protection beyond what these overlay codes already achieve; its only practical effect is to render existing residential and lower-order rural activity uses discretionary.

This is the central technical proposition of our submission and is developed further in Part 5: the work LCZ would do is already being done, on a property-specific basis, by overlay codes that sit over the RLZ. Choosing RLZ as the zone and relying on those overlays for landscape management is the planning instrument the State Planning Provisions expressly envisage for residential precincts of this kind.

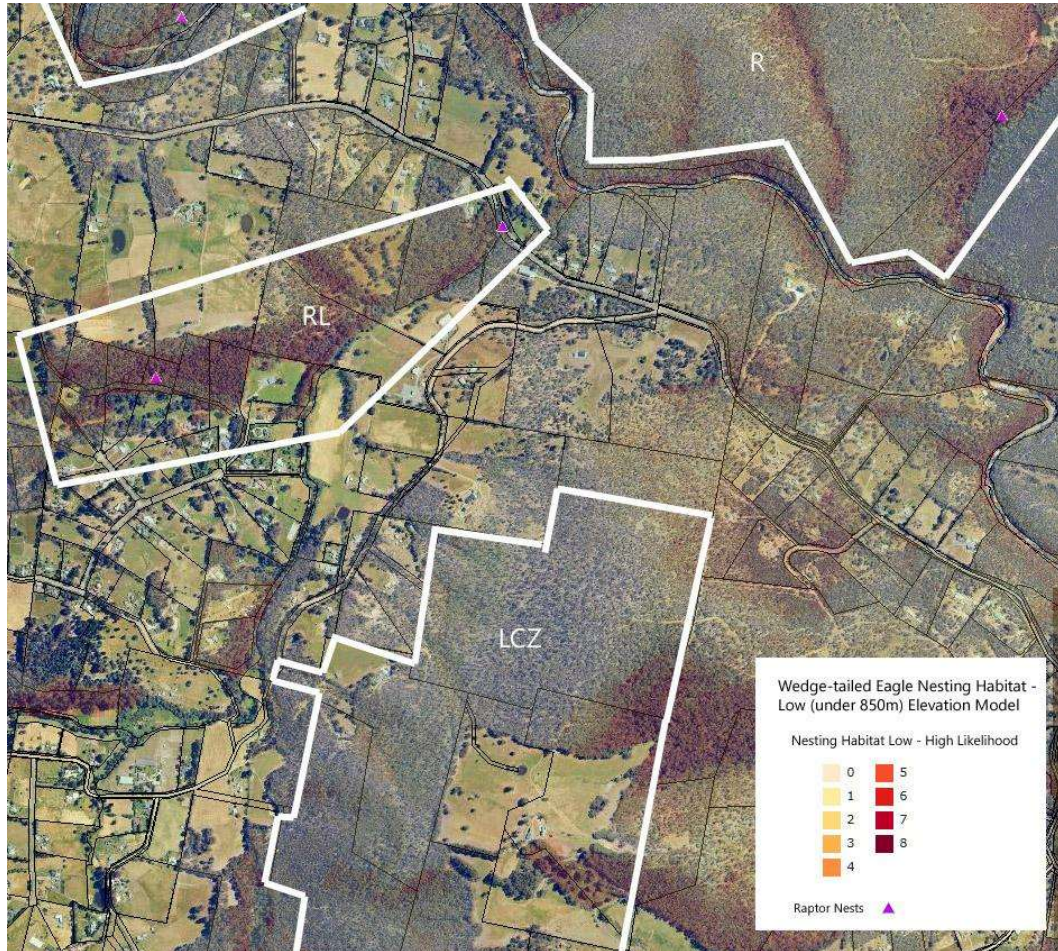
LCZ not only fails to enhance conservation protections beyond existing overlay codes but also conflicts with its stated goal of safeguarding landscape values, as discussed in section 4.4. By suppressing rural activities, such as dwellings that maintain the mosaic of cleared and treed areas, LCZ removes practical and economic incentives for active land management. This inadvertently promotes abandonment, leading to canopy closure, loss of edge habitats, homogenisation, increased fire risk, and the eventual replacement of the mosaic with closed-canopy regrowth. This assessment of the causes of such degradation is supported by peer-reviewed evidence. Conversely, RLZ, together with the current overlay codes, encourages productive land use, maintains the mosaic, and manages risks through site-specific, evidence-based assessments. Table 3 compares the regulatory and ecological outcomes of both approaches.

Table 2 - regulatory and ecological outcome comparison.

Outcome	LCZ	RLZ + Codes
Threatened flora/fauna and natural values	Questionable protection	Codes and overlays apply alongside active management
Active mosaic maintenance	Suppressed	Enabled
Encroachment / canopy closure	Accelerated	Controlled
Bushfire risk trajectory	Rising (landscape trap)	Managed
Biodiversity trajectory	Declining (homogenisation)	Stable / improving
Scenic diversity	Declining (monotony)	Preserved
Landscape character	Transition to closed-canopy forest	Mosaic preserved
Regulatory burden	High, Restrictive	Proportionate, code-based regulation

The inversion of conservation outcomes is clearly shown by raptor habitat data for Allens Rivulet. Figure 4 displays verified raptor nest sites and habitat across the area and nearby regions. The land proposed in the LCZ does not include any verified raptor nests and has very little raptor habitat. The actual nests are mainly on the RLZ ridgeline above Crofton Drive (with 2 nests) and in the RZ land to the west (with 2 nests). The environmental values that the LCZ aims to protect are not found where the LCZ is being implemented.

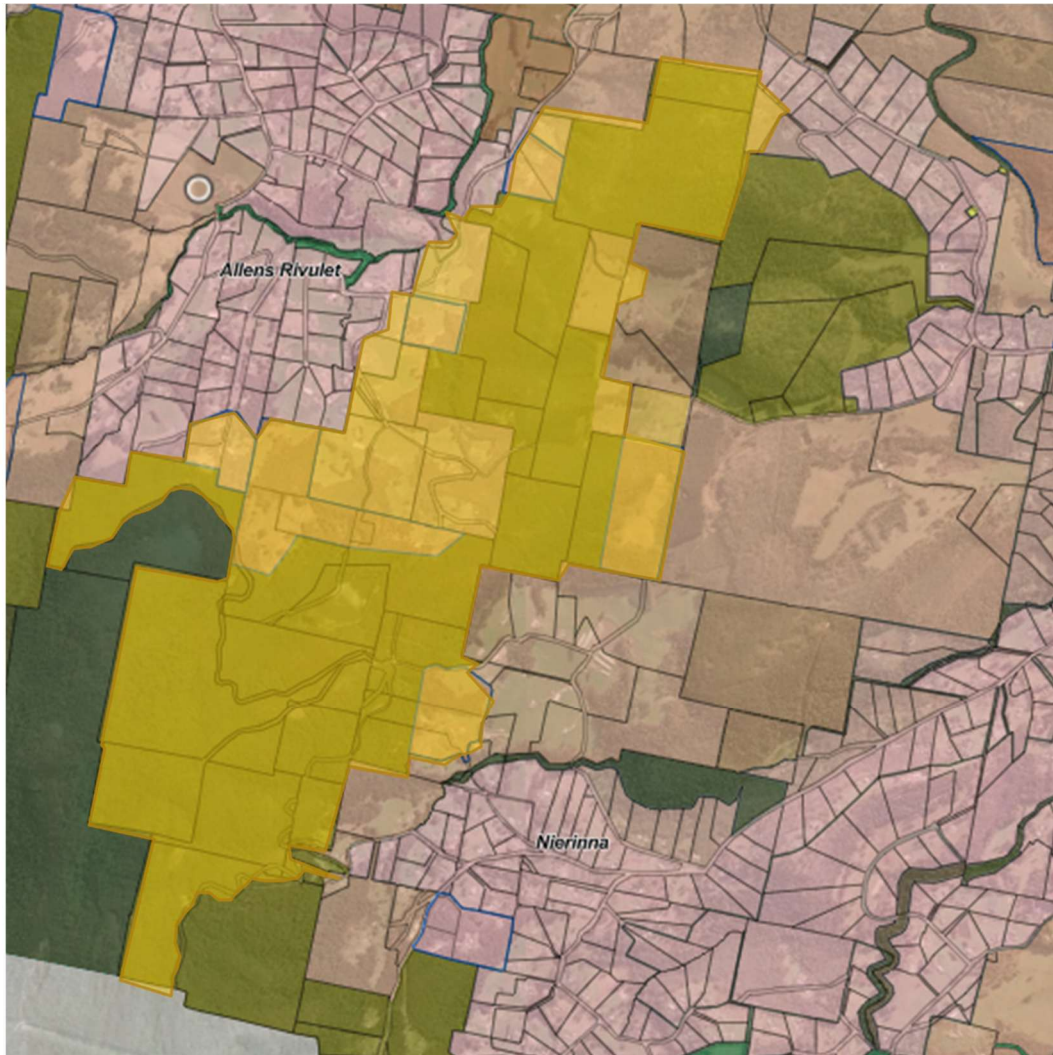
Figure 5. Raptor habitat and identified nest sites across subject area. The LCZ-proposed area holds no verified nest sites; RL-zoned and Rural-zoned land holds four.



4.6 — Proximity to existing Rural Living Zone or Rural Zone land

As noted at 4.1 our properties form part of the established rural residential settlements of Allens Rivulet and Nierinna.

Figure 7: location of the properties in this submission in relation to Allen’s Rivulet and Nierinna.



Proposed zoning for these properties includes LCZ, RZ, LCZ/RZ Split and RLZ (details for each property are provided in Appendix 1)

This section addresses the spatial and statutory relationship between those categories and explains why, when the zoning context is properly understood, RLZ is the correct zone for all properties in our group, including those currently proposed for RZ.

The settlement pattern continues across all three proposed zone groups

The properties in our group are a continuation of the established residential core of the two rural living settlements, Allen’s Rivulet and Nierinna. As described in 4.1-4.5, the properties within this submission share several characteristics, regardless of their current or proposed zone. Many of these characteristics are shared by properties already zoned RLZ, except for lot size.

Key to our proposal is the case of six RZ properties located along Maudsleys Road (53, 86, and 87) and Mudges Road (19, 20, and 21). These sit between the confirmed RLZ properties and those proposed for LCZ (see Figure 8). Although not part of the Ireneinc review, Kingborough Council's recommendation to shift from Rural Resource to RZ does not align with the properties' actual use and character. Each of these six RZ lots has an existing dwelling and shows clear signs of rural residential living activity. None are used for large-scale commercial agriculture, nor are they marked as Significant Agricultural Land on STRLUS Map 5. In both character and use, they are like the neighbouring RLZ properties.

Figure 8: map of RZ properties (previously zoned rural resource) over Ireneinc zone proposal layer



The LIST agricultural designations are constrained and do not represent genuine agricultural potential

The reason these properties have been assigned RZ rather than RLZ appears to be their listing on the LIST (Land Information System Tasmania) as 'Land Potentially Suitable for Agricultural Zone', rather than a proactive settlement strategy that assesses whether these properties truly warrant agricultural protection. In fact, the potential for commercial agricultural use on these properties is economically and spatially unviable due to constraints on their agricultural suitability. Those constraints render, as the LIST itself records:

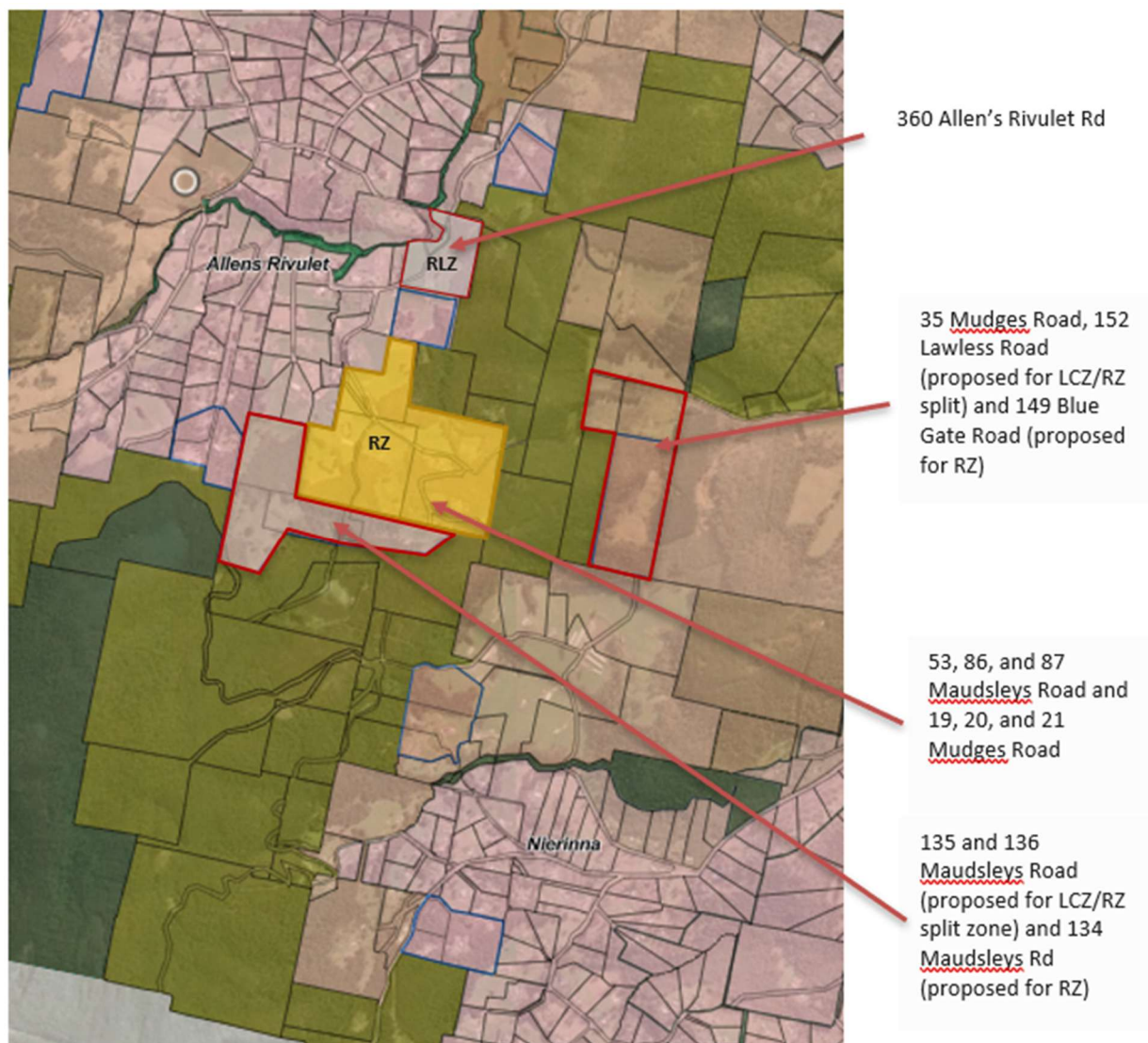
- **Criteria 2A pertains to economic constraints related to land value.** 53 Maudsleys Road (covering 6.79 ha along with associated titles of 1.25 ha and 0.38 ha) and parcels at 19 and 21 Mudges Road are each affected by Criterion 2A. The LIST indicates that the capital value of these titles exceeds \$50,000 per hectare, which could represent a potential economic barrier to purchasing and integrating the land into neighbouring agricultural zones. This limitation is not due to physical or environmental factors affecting agricultural productivity but is an economic constraint linked to the land's residential character and valuation, which the RLZ aims to describe and preserve.
- **Criteria 2B — spatial isolation (limited agricultural connectivity).** Both 20 Mudges Road (11.82 ha) and 87 Maudsleys Road (9.09 ha) are subject to this criterion. The LIST notes that these titles have limited links to other unconstrained agricultural land and that their size could hinder viable agricultural use. This represents a spatial isolation constraint: these titles are not part of an agricultural landscape. Instead, they are situated within a rural residential area, which explains their lack of connectivity to agricultural land.

- **Criteria 3 — land use conflict (adjoining Rural Living Zone).** 86 Maudsleys Road (10.07 ha) is affected by this criterion. The LIST states that this property adjoins RLZ, creating potential land use conflicts. It also notes that due to this adjacency, the property cannot reasonably be assigned to an agricultural zone. Despite this, the draft planning scheme suggests RZ for the property. The correct interpretation of the LIST's own constraint is that this property should be within the RLZ, alongside the properties it borders.

The 360 Allens Rivulet Road precedent is decisive

360 Allens Rivulet Road is already designated as RLZ C in the draft LPS (see Figure 9). It also appears on the LIST as 'Land Potentially Suitable for Agricultural Zone,' limited by the same Criteria 3 that applies to 86 Maudsleys Road—namely, being adjacent to RLZ and the potential for land use conflicts. If the LIST designation were a barrier to RLZ allocation, 360 Allens Rivulet Road would need to be zoned RZ. However, it is not. The presence of a Criteria 3 constraint on a property listed, including the one citing RLZ adjacency relevant to 86 Maudsleys Road, has not barred its allocation to RLZ C. There is no logical reason to treat the same constraint differently for 86 Maudsleys Road. In this context, the LIST designation has not been decisive for zone allocation, especially with a Criteria 3 constraint in place.

Figure 9: map showing location of 360 Allen's Rivulet Rd and the Ireneinc proposed RZ zoning for properties adjacent to existing RZ properties in the draft Kingborough LPS



Applying RLZ-D to all six properties as a landscape-scale designation would:

1. Resolve spot-zoning concerns by creating a coherent seven-property zone corridor rather than a single isolated parcel;
2. Create a continuous belt of RLZ land connecting existing RLZ-proposed areas to the west and south with LCZ areas to the east and north, producing an orderly and logical zone transition;
3. Accurately describe the character of all seven properties, which are used for residential, lifestyle, or limited rural-residential purposes, none supporting primary production;
4. Be consistent with STRLUS policy explicitly supporting the consolidation and retention of existing rural living areas.

The Rural Zone designations contaminate the LCZ recommendations

The Ireneinc LCZ/RZ split zone recommendations for 135 and 136 Maudsleys Road, and the RZ recommendation for 134 Maudsleys Road have been influenced by their adjacency to the RZ properties at 86 and 87 Maudsleys Road and 20 Mudgets Road, rather than their current characteristics and land use.

Given the case made above that 86 and 87 Maudsleys Road and 20 Mudgets Road may be more appropriately zoned RLZ, the LCZ/RZ or RZ recommendation for properties adjacent to those RZ titles loses its spatial basis. The correct zone sequence along Maudsleys Road and Mudgets Road, assessed on the merits of each property, is a coherent rural living settlement extending from the confirmed RLZ-C properties along Maudsleys Road.

The adjacency to RZ properties has also determined the LCZ/RZ split zoning for 35 Mudgets Road and 152 Lawless Road and RZ for 149 Blue Gate Road. Both 35 Mudgets Road and 149 Blue Gate Road have a primary use of rural residential. There is currently no dwelling on 152 Lawless Road, however the strategic intent is for rural residential with substantial investment made into developing road access via 35 Mudgets Road.

We contend that RZ designation of the adjacent properties should not be permitted to anchor a more restrictive zone outcome for their neighbours.

Rural Zone and Landscape Conservation Zone create the same problems for existing residents

The application of RZ is not appropriate for 134, 135 and 136 Maudsleys Rd, 35 Mudgets Road, 152 Lawless Road (aka 37 Mudgets Rd)⁶ and 149 Blue Gate Road and for the same fundamental reason LCZ is not: it makes residential use discretionary rather than as-of-right⁷. The RZ purpose at clause 20.1.1 is the protection of land for agricultural use — the priority of the zone is agriculture, not residential settlement, and dwellings are subject to the agricultural-priority tests of the zone.

A split LCZ/RZ allocation across a single title compounds the problem: the property is then governed by two discretionary regimes, neither of which reflects the land's established residential character.

Neither LCZ nor RZ reflects what the settlement pattern and land use actually is. RLZ does. The land use pattern is a residential settlement on larger lots in a rural setting, with mixed residential and lower-order rural use — the precise wording of Guideline RLZ 1(a). Only RLZ, where a dwelling is a permitted use, properly recognizes and preserves the residential character of these properties

134, 135, 136 and 139 Maudsleys Rd, 31 and 35 Mudgets Rd and 152 Lawless Rd are all accessed via a Crown Road reserve. Both the LCZ and RZ stipulate that new dwellings must have legal access via a right of carriageway to a road maintained by a road authority (Performance Criteria P1). However, a Crown Road reserve is not considered a road maintained by such an authority, and no right of carriageway exists over it. Properties in our group that are accessed through a Crown Road reserve face the same legal uncertainty,

⁶ 152 Lawless Rd Margate is also known as 37 Mudgets Road, depending on whether use the council mapping or the LIST. The access to 152 Lawless Rd is via Mudgets Rd.

⁷ We acknowledge the protection of existing legal land use rights under LUPAA but note that should a dwelling be lost to flood or fire and require rebuilding, there is every likelihood that substantial commencement could not be achieved within the 2-year time limit required by LUPAA. We also note that most of the properties in this submission do not have a building envelope on a sealed plan; a requirement for residential development to be considered permitted under LCZ. In this situation any replacement dwelling would be considered under the new zone requirements via a discretionary pathway.

whether they are zoned RZ or LCZ. Neither zone provides a solution to this issue. RLZ offers a consistent framework for residential use and development, recognizing the existing settlement context, and is the only zone that properly addresses the access question alongside its primary residential purpose.

4.7 — Subdivision potential: Rural Living Zone D enables proportionate code-based regulation

The Commission may wish to satisfy itself that allocating Rural Living Zone to the properties in our group will not expose the area's landscape values to unmanaged risk through subdivision and residential intensification. We address that concern directly. The overlay code framework applicable to all properties in our group provides robust, site-specific regulation of subdivision risk, and does so more precisely and more proportionately than the area-based minimum of the Landscape Conservation Zone.

Guideline No. 1 RLZ 2(b) sets the lot-size test for ELZ-to-RLZ translation as “a **similar** minimum allowable lot size is being applied”. It does not say that “a more restrictive minimum lot size” should be applied. The “no further subdivision” formulation that appears in the Ireneinc decision tree (LCZ Review p.87, is a consultant-authored spin on RLZ 2(b). It is not in the Guideline. It is not in the State Planning Provisions. It is not in LUPAA. It cannot lawfully be elevated above the instruments it purports to implement.

Where the existing ELZ minimum lot size is 10 ha and the proposed RLZ sub-category minimum is also 10 ha, parity is exact and no new subdivision potential is created by the translation. The lot-size test under the Guideline as written is met.

The risk of intensification is confined to a minority of properties

The lot size across the properties in our group is provided in Table 2 above. There are 18 properties under 10ha where RLZ-A, B, or C could be applied, preventing further subdivision based on their respective minimum lot sizes.

The remaining 15 properties range in size from 13.11ha to 74.20ha. Excluding the 2 properties over 40ha, the average lot size is 20.34ha. There are 5 properties between 13 and 19.95 ha that have no potential for further subdivision under RLZ-D.

The remaining 8 properties have lot sizes of 20 ha or more and therefore have subdivision potential under their proposed RLZ-D allocation. These properties are: 450 Allens Rivulet Road (47.94 ha), 410 Allens Rivulet Road (20.72 ha), 400 Allens Rivulet Road (20.34 ha), 100 Mountain Road (21.36 ha), [REDACTED] (22.96 ha), 35 Mudges Road (21.35 ha), 152 Lawless Road (28.38 ha), and 315 Lawless Road (74.20 ha). Only these eight properties raise any question of landscape risk from intensification.

The overlay code framework, rather than an area-based zone prohibition, is the proportionate and appropriate regulatory tool for managing that risk, as the analysis below demonstrates.

The overlay codes directly address the landscape values most at risk from intensification

The landscape values that influence LCZ allocation—such as bushfire-prone terrain, risks of landslip and flooding, native vegetation and biodiversity, and scenic character—are exactly the values recognized by the overlay codes applicable to all eight larger properties. These are not generic countryside values; they are specific, mapped regulatory concerns. Importantly, the same codes that identify these values also impose binding requirements at the time of subdivision, ensuring protection is enacted precisely when landscape values are most vulnerable to development.

Under the **Bushfire-Prone Areas Hazard Code** (C13.0), a subdivision application must demonstrate that each new lot contains a building area that, together with its hazard management areas (HMAs), satisfies Bushfire Attack Level BAL 19 separation distances in accordance with AS 3959:2018. Compliance must be certified by the Tasmania Fire Service or an accredited assessor before subdivision is approved (clause C13.6.1). Vehicle access suitable for firefighting must be demonstrated for each lot (C13.6.2), and an adequate water supply for firefighting identified (C13.6.3). All eight properties carry a Bushfire Prone designation. Any subdivision that would require HMA clearance so extensive as to destroy significant vegetation, or that cannot demonstrate safe access and emergency water supply for each new lot, cannot proceed.

Under the **Landslip Hazard Code** (C15.0), each new lot must contain a building area, vehicle access, and services that are wholly outside the mapped landslip hazard area (clause C15.7.1 A1). All eight properties

carry a Landslip designation. Where landslip constraints cover a substantial portion of a property, the code effectively limits subdivision to the area where a compliant building site can be identified outside the hazard. A subdivision that would place residential development in a landslip hazard area cannot proceed. This directly reduces the risk of landscape damage from inappropriate development on hazard-prone terrain.

Under the **Natural Assets Code** (C7.0), clearance of native vegetation within Priority Vegetation Areas must minimise adverse impacts on priority vegetation (clause C7.5.1 P1.2). All eight properties carry a Priority Vegetation designation. Any subdivision requiring extensive native vegetation clearance to establish a second building envelope, access, or services cannot satisfy this requirement. The code ensures that native vegetation character — the most visible landscape value shared by all properties in the group — is preserved as a binding condition of creating each new lot, not as a discretionary consideration to be weighed against the applicant's interests.

Under the **Scenic Protection Code** (C8.0), the act of subdivision itself — a change in title rather than a physical alteration of land — is exempt where it does not involve works (clause C8.3(d)). Any subsequent development on a new lot is then assessed against the full scenic protection provisions in the ordinary way. This is the appropriate regulatory sequence: the lot is created cleanly; the built form that follows is assessed for its visual impact on the landscape.

Code-based protection is more targeted than the LCZ area minimum

The Landscape Conservation Zone's 50 ha minimum lot size uses area as a proxy for landscape protection, without considering the specific characteristics of each subdivision. It treats a proposal for two safe, well-separated, code-compliant building envelopes on gently graded, accessible land with minimal vegetation impact the same as a subdivision that creates a second lot on a steep, densely vegetated, fire-prone slope above a residential settlement. Both are prohibited by the LCZ's area threshold, regardless of their actual impact on landscape values.

The overlay codes make exactly this distinction. They require the applicant to demonstrate, with site-specific evidence and independent certification, that each proposed lot can accommodate a safe and appropriate building site without compromising the identified landscape values — bushfire safety, landslip stability, vegetation integrity, and scenic character. Where the application can satisfy those requirements, the landscape values are protected and there is no planning justification for prohibition. Where it cannot, the subdivision does not proceed. The same protective outcome is achieved, but by analysis rather than assumption.

In practice, the combined requirements of the Bushfire, Landslip, Natural Assets, and Flood codes significantly limit where a second compliant building envelope can be located on the steep, bushfire-prone, vegetated rural land typical of the eight larger properties in this group. The number of additional lots permitted by these codes across the eight properties is modest. The Commission can be confident that RLZ-D, together with the relevant overlay codes, does not allow unrestricted residential intensification in this landscape. Subdivision occurs only where the site clearly meets all safety, environmental, and landscape requirements, which align with the values the Landscape Conservation Zone is intended to protect.

PART 5 — SHARED ARGUMENTS

The following arguments apply to all properties listed in Part 2. They are presented here as shared arguments so that the Commission can consider them once, rather than across multiple individual submissions. Each signatory's individual submission builds on these shared arguments with property-specific evidence.

A — Our properties satisfy the Zone Guidelines for the zone we are seeking

Zone Guideline RLZ 1(a) provides that the RLZ should be applied to residential areas with larger lots where the existing and intended use is a mix between residential and lower-order rural activities (such as hobby farming), and where priority is given to residential amenity.

Zone Guideline RLZ 2(b) further provides that the RLZ may be applied to land within the Environmental Living Zone (ELZ) in an interim planning scheme where the primary strategic intention is for residential use and development within a rural setting, and a similar minimum lot size is applied.

Our properties satisfy both criteria. The shared characteristics described in Part 4 above demonstrate that our properties have an established residential settlement pattern, lots of a size consistent with RLZ subcategories, and a primary use and intention that is residential. The Zone Guidelines, therefore, positively support the application of the RLZ to our properties

B — Our proposal is a landscape-scale solution that avoids fragmentation or spot zoning

The STRLUS requires planning schemes to maintain consistency in structure and expression. Our community collaborated to develop a landscape-scale alternative to the proposals from Kingborough Council and Ireneinc.

The corridor from Nierinna Road through Cuthberts Road, Lawless Road, and east to Allens Rivulet forms a contiguous community of rural-living properties. This area shares a single physical and cultural landscape, consistent settlement pattern, common overlays, and landscape character. The community seeks the same zoning outcome for identical reasons.

The cadastral pattern reflects subdivisions from the 1970s to 1990s, following the collapse of Tasmania's apple export market. Valuer-General property sales records for this corridor list the purpose of purchase as "vacant — rural residential" or "large lot or rural residential." This is not a recent re-characterisation but a documented record of the original intent and continuous residential occupation of these titles.

The locality boundaries used by the Council and Ireneinc (Margate and Allens Rivulet) are administrative constructs. The s.34(2)(g) test should be applied to the entire corridor as a single landscape. Assigning different zones to contiguous properties with identical characteristics breaches the consistency requirement.

The Ireneinc report itself identifies avoidance of fragmented zone application as a key principle. The report notes that areas where only two or three LCZ-zoned properties are surrounded by Rural Zone or RLZ land should be resolved in favour of the surrounding zone.

Our properties form a coherent, contiguous group. If some receive different zoning outcomes from others or the surrounding land, it will create a fragmented and inconsistent zone pattern. This would conflict with the Zone Guidelines, which require zones to be applied consistently and coordinated across the LPS wherever practicable.

Our properties are located on Allens Rivulet Road, Maudsleys Road, Mudges Road, Mountain Road, and Cliff View Drive in Allens Rivulet, as well as Lawless Road, Cuthberts Road, Hillcrest Road, and Nierinna Road in Margate. Several of these properties are adjacent to land already proposed for Rural Living Zone or surrounded by properties with the same rural residential character. Assigning the LCZ or Rural Zone to our properties while neighbouring properties receive the Rural Living Zone would create isolated pockets of more restrictive zoning within an established rural residential area. This is the fragmented and inconsistent zoning that the Zone Guidelines require the Commission to avoid.

C — Comparable localities support the same outcome for our properties

Under section 34(2)(g) of the Land Use Planning and Approvals Act 1993 (LUPAA), the Tasmanian Planning Commission must ensure that the spatial zoning is as consistent and coordinated as possible. This requires the Commission to evaluate whether our locality has been treated similarly to other localities with comparable characteristics in Kingborough.

Furthermore, the Huon Valley LPS directed that more than 450 titles be rezoned from Landscape Conservation Zone to Rural Living Zone under similar conditions. The principle of consistency in administrative decisions mandates applying the same approach in this case.

Ireneinc determined a LOW RISK for RLZ application in the Allens Rivulet area at Decision Point 6 for properties that addressed that question. The principle used — that landscape values 'could be reasonably managed' outside LCZ with Priority Vegetation and Scenic Protection overlays — also applies to our properties. The Commission should apply this reasoning consistently throughout the locality.

We argue that the most comparable localities to ours are the ones accepted by the TPC at Day 20 for full ELZ-to-RLZ transitions: Kettering East, Howden, Albion Heights, and Tinderbox West. Like our properties, these areas have established residential communities, lots typically between 2 and 15 hectares, a mix of residential and rural activities, and limited signs of landscape values that would need LCZ-specific protection beyond existing overlay controls.

D — The Southern Tasmania Regional Land Use Strategy directly supports Rural Living Zone for this locality

The Southern Tasmania Regional Land Use Strategy 2010–2035 (STRLUS), updated on 19 May 2025 and replaced by the Tasmanian Planning Scheme Addendum for LPS purposes, offers three clear and legitimate statutory reasons for designating the RLZ on the properties in our group.

First, there is direct authorisation from ELZ to RLZ under TPS Addendum SRD 1.3, subclause 2. This clause explicitly allows land within an existing ELZ to be rezoned to an RLZ when preparing a Local Provisions Schedule, provided it aligns with the zone's intent. This particularly impacts properties in our group currently zoned ELZ or RRZ under the Kingborough Interim Planning Scheme 2015. The provision offers a clear legal basis for reclassification to the RLZ, without relying on the Ireneinc decision-tree or landscape-value policies. It simply requires that the zone's purpose (residential use and development in a rural setting that protects natural and landscape features) matches the land, which is true for most properties in our group.

Second: recognising an existing rural living community (STRLUS SRD 1.3(a)). According to SRD 1.3(a), land can be reclassified as RLZ if it is part of a recognised rural community, the area is substantial or borders a settlement, and it isn't designated for other settlement purposes, with only limited subdivision opportunities. The Allens Rivulet/Nierinna area is quite large, with many titled properties along the roads listed in this submission. It isn't allocated for other settlement uses, such as Greenfield Development Precincts, planned infrastructure, or activity centre functions. The Kingborough Land Users Body (KLUB) has indicated that 'the current STRLUS does not define a rural living "settlement" — stating that they need to be "recognised" (KLUB submission, p. 8), emphasising that the test is practical and depends on the area's actual character. A community that has consistently been a rural residential settlement during its ELZ designation qualifies as a rural living community under SRD 1.3(a).

Third, the settlement hierarchy and growth framework from STRLUS Tables 2–3 and SRD 2.7 are reviewed. Allens Rivulet and Nierinna are not explicitly included in the STRLUS settlement hierarchy (Table 3), where it falls under the residual category: 'All other settlements — Very Low Growth / Consolidation.' This suggests that zone selection should preserve the current settlement pattern without encouraging additional growth. Subcategories within the RLZ, aligned with current lot sizes, support this approach. However, the LCZ and RZ do not: LCZ makes existing dwellings discretionary, which conflicts with consolidation objectives, while RZ applies a primary production framework to a settlement without commercial agricultural uses. Neither fits the Very Low Growth / Consolidation aim. Additionally, STRLUS SRD 2.7 allocates only 5% of residential infill growth to Kingborough—amounting to 662 dwellings over 25

years—yet KLUB estimates this is 770 dwellings short of projected demand by 2035 (KLUB submission, p. 9). This under-allocation focuses on established urban areas, and no interpretation of STRLUS considers Allens Rivulet or Nierinna as a housing supply option. Conservation zoning in this area does not meet regional settlement frameworks or landowners’ interests.

The Allen’s Rivulet/Nierinna corridor relies on SRD 1.3(c) for infill and consolidation. Properties along the Allen’s Rivulet/Nierinna corridor, currently proposed for RZ or divided between LCZ and RZ, are supported by STRLUS SRD 1.3(c) for RLZ designation. This section permits rezoning to RLZ if the land allows infill or consolidation within an existing rural community, shares boundaries with existing RLZ areas or communities that meet SRD 1.3(a), does not significantly expand rural land in the area, avoids land use conflicts, provides vehicular access to nearby rural areas, is not labelled as Significant Agricultural Land on STRLUS Map 5, and does not border the Urban Growth Boundary or future urban zones. The Maudsleys Road corridor satisfies all these criteria, establishing SRD 1.3(c) as a clear legal basis for including it in the RLZ- D.

E — The LCZ rationale inverts the landscape evidence: restricting land management risks the values it purports to protect

The case for LCZ presumes that preserving landscape values requires restricting human activities. However, for the Nierinna/Allens Rivulet corridor, evidence indicates the opposite. The thriving rural landscape, comprising cleared paddocks, grazed fields, orchards, remaining bush, and regrowth, is the true value of the landscape. Because LCZ discourages these very activities that sustain this mosaic, it endangers the landscape more than RLZ does. This view aligns with Tasmania’s published scenic assessment frameworks, which the LCZ recommendation has not considered.

Two recognized Tasmanian scenic assessment methods are available for Kingborough: one created by the Forest Practices Authority and the other by the Southern Tasmanian Councils Authority. Both methods challenge the idea that vegetation automatically signifies landscape value. However, neither has been used to support the use of LCZ in this area.

1. The Forest Practices Authority considers a dense forest monotonous and provides a quantitative measure for the scenic optimum:

“Variety or patterned variations in a landscape are generally considered desirable, while uniformity is generally deemed monotonous ... most people expressed a preference for [the intermediate sketches], which have a roughly 40 to 60% ratio of trees to space.”(FPA 2006, p.18)⁸

A closed-canopy regrowth forest is considered monotonous and has low diversity. The highest scenic quality, as measured by the FPA, is achieved with 40–60% trees-to-space, creating a mosaic landscape. This kind of landscape exists over much of the slopes of the Allens Rivulet - Nierinna corridor.

The term “mosaic pattern” appears in the FPA’s High Scenic Quality criteria. As detailed in Chapter 7 (p.167), the statewide standards for High Scenic Quality include a “greater variety of landscape and diversity of vegetation,” explicitly mentioning that agricultural landscapes should exhibit “greater vegetative diversity and mosaic pattern due to crops and openings.” (FPA 2006). The word “mosaic” is incorporated into the framework.

The character-type frame of reference is conclusive. The submission area sits within FPA Landscape Character Type 6: South-east Coastal Hills. The Scenic Quality Frame of Reference for this character type (Appendix B, p.177) rates vegetation as:

⁸ Forest Practices Authority (2006) *A Manual for Forest Landscape Management*. Hobart: Forest Practices Authority (originally published 1990 by the Forestry Commission, Tasmania). Available at: https://www.fpa.tas.gov.au/planning/visual_landscape_management

High Scenic Quality: “combinations of openings of different sizes and shapes with irregular edges”.

Low Scenic Quality: “Extensive areas of similar vegetation without discernible pattern.”

The FPA classifies a uniform, closed-canopy regrowth slope as Low Scenic Quality for this character type. In contrast, the actively managed rural mosaic is considered one of its High Scenic Quality examples. This aligns with several instances in both the Council and the Ireneinc Report, which describe hillside mosaic landscapes as having high scenic value. However, the justification for applying the LCZ designation to these areas is questionable, given its restrictions on human activities that have contributed to and sustain these high scenic quality landscapes.

2. The Southern Technical Reference Group (TRG) methodology, developed with input from Kingborough planning staff, aligns with this approach. The Guidelines for Scenic Values Assessment Methodology (Inspiring Place / Geoscene International, 2018), created for twelve Southern Tasmanian Councils, evaluates scenic value using a GIS-based formula: $\text{Scenic Quality} + \text{Viewpoints} \times \text{Viewer Sensitivity} + \text{Visibility Distance Zones} = \text{Scenic Value Areas}$ (Section 3, p.21). Scenic value is determined through systematic visual assessment based on specific perception factors, rather than simply tree vegetation density. Kingborough Council did not apply this methodology, and its assessment of landscape values has been inconsistent. Ireneinc notes this inconsistency. (LCZ Review, p.67).

The Scenic Protection Code (SPC) is intentionally narrowly focused rather than a broad restriction. The Southern TRG clearly states that the SPC “focus[es] on Skylines and not all Scenic landscapes” and offers “limited scope for scenic protection within” rural landscapes (§2.3.1, 2.3.3). It functions as a targeted overlay, not a broad one. Its presence does not justify replacing LCZ with RL—in fact, it indicates the opposite: scenic protection should be part of overlays, systematically assessed and applied over rural zones that support the land uses that originally contributed to and sustain the scenic values.

Neither the FPA framework nor the Southern TRG methodology supports the LCZ rationale for this area; in fact, both conflict with it. The so-called “landscape values” used to justify LCZ over the Allens Rivulet/Nierinna corridor have not been formally identified using the methodologies endorsed by the State, Southern Tasmanian Councils Authority, or Kingborough’s regional body. Essentially, these values are, in fact, unidentified.

The following photographs and maps compare the Crofton Drive area (zoned RL) with the Hickman Hill area (proposed LCZ) in Allens Rivulet, illustrating local evidence for this conclusion. The Crofton Drive ridgeline, zoned RL, shows an unbroken forested backdrop with Cathedral Rock and Wellington Park in the distance, highlighting a landscape of notable scenic diversity and quality. In contrast, the Hickman Hill area proposed for LCZ features a fragmented ridgeline with visible residential and farming activities in the foreground. The FPA scenic optimum—characterized by a diverse mosaic of trees and open spaces—is more accurately represented in the RL zone than in the proposed LCZ area.

Figure 10: locating the Hickman’s Hill area example within the Allen’s Rivulet/Nierinna Corridor

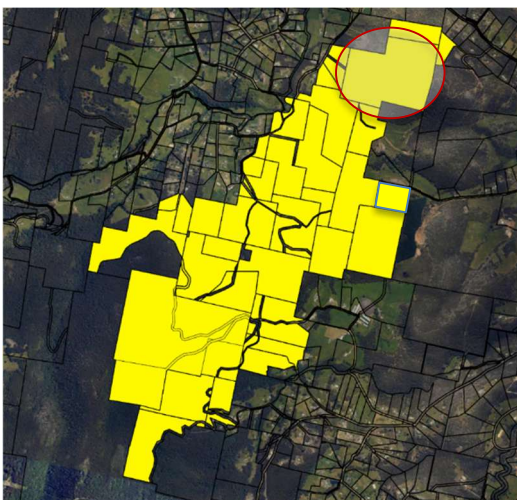


Figure 11. Crofton Drive area, Allens Rivulet — RL-zoned ridgeline with unbroken forested backdrop, Cathedral Rock and Wellington Park in the distance.



Figure 12. RL-zoned ridgeline, Crofton Drive. Vegetated area continues to the right.

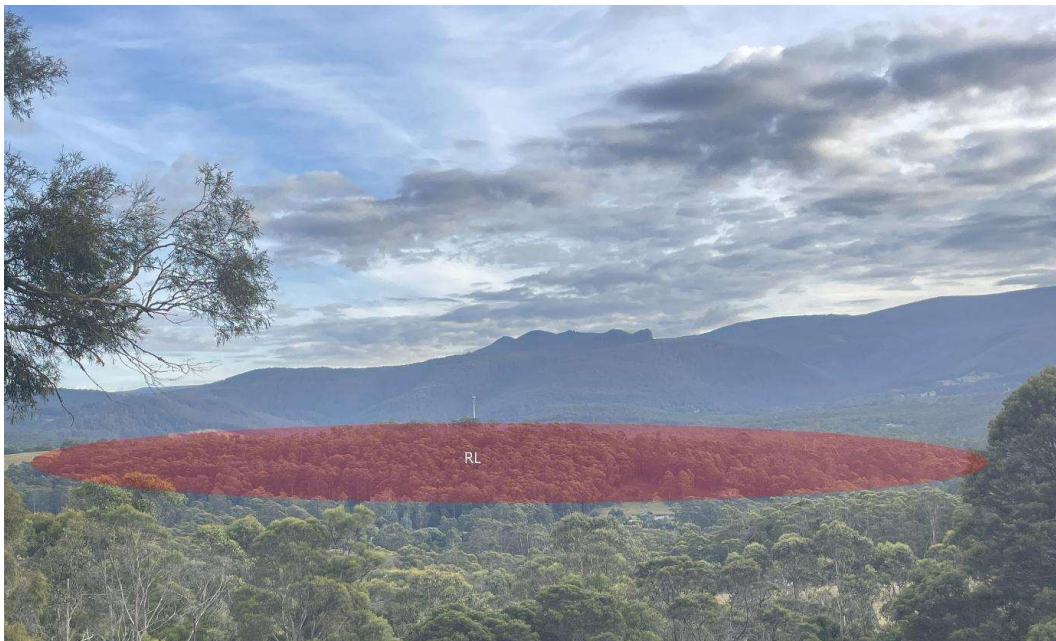


Figure 13. Photo location map, Crofton Drive area.



Figure 14. Hickmans Hill area — proposed LCZ. Note broken ridgeline and visible residential and farming activity.



Figure 15. Highlighted residential and farming activity, Hickmans Hill. Apart from the paddock on the top of the hill (148 Blue Gate Road) this area is all proposed for LCZ.



Figure 16. Location map, Hickmans Hill area.



F — The Ireneinc review produced internally inconsistent zone recommendations for properties with identical characteristics

The Ireneinc independent review mentioned in its methodology that the assessment was primarily a desktop, map-focused exercise, without any site visits to the properties evaluated. This submission respectfully contends that this method, applied in an area with detailed settlement patterns and parcels ranging from 2 ha to 74 ha, produced results that are not justifiable on any rational basis. Several internal inconsistencies in the Allen's Rivulet area illustrate the shortcomings of the desktop assessment, and one example is included here.

57 Cliff View Drive

The property marked in blue on the images below was proposed as an LCZ in the draft Kingborough LPS. Ireneinc suggested rezoning this property to RZ. In the Allen's Rivulet area, 64 Pregnells Road (11.92ha) and 121 Talbots Rd (7.61ha) were recommended for RLZ (marked in red on the images below). 57 Cliff View Drive (9.66ha) was recommended for RZ. These three properties share similar land use characteristics, topography, vegetation, and lot sizes. They are adjacent to existing RLZ properties on one boundary and to LCZ and RZ properties on others. It is unclear why 64 Pregnells Road and 121 Talbots Rd are considered more suitable for RLZ than 57 Cliff View Drive.

Figure 17: location of properties where zones have been applied inconsistently

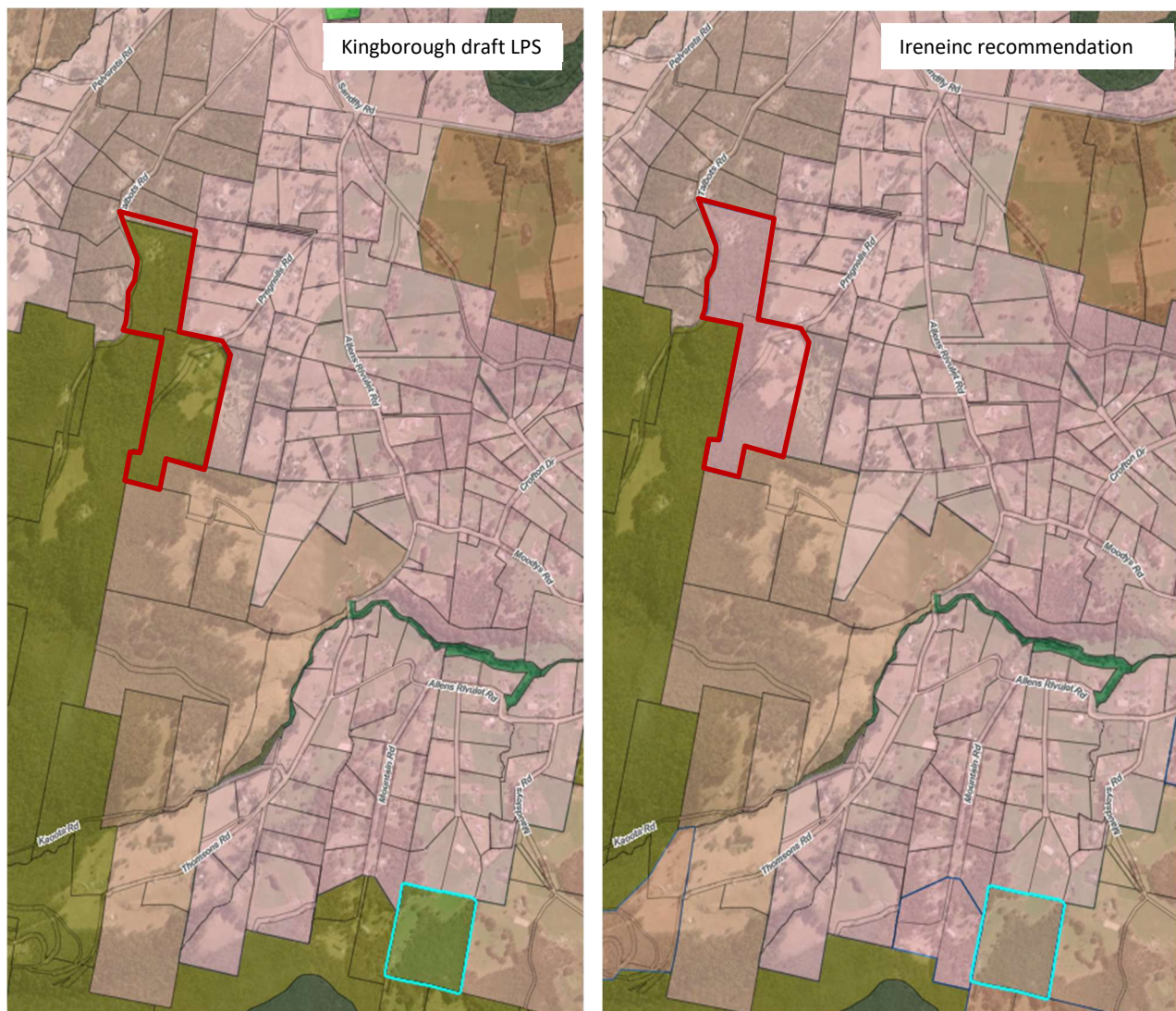
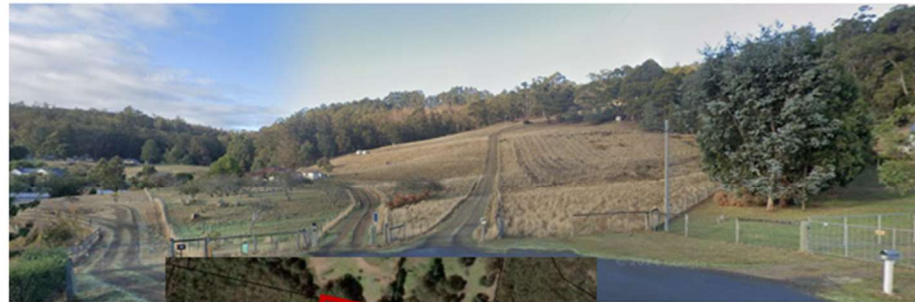


Figure 18: comparison of characteristics of 64 Pregnells Road, 121 Talbots Rd, and 57 Cliff View Drive, illustrating how little difference there is between the three properties

Looking towards 64 Pregnells Road and 121 Talbots Rd, from Pregnalls Rd



Looking towards 57 Cliff View Drive, from Cliff View Drive



G - Land use not lot size, should determine zone choice

As outlined in 4.2, lot size does not disqualify a property from RLZ. However, Ireneinc clearly uses lot size when deciding zone allocations, as it is part of their decision-tree process. The DP4 indicators establish a quantitative density criterion, requiring at least 10 lots within an area of 1–15 hectares— a standard not specified in the Zone Guidelines. A property can fulfil all four RLZ criteria—such as residential intent, absence of reservations, rural activities, and manageable landscape values—yet still fail DP4 if its lot exceeds 15 hectares or if the cluster has fewer than 10 lots. The Zone Guidelines do not specify such a threshold. RLZ-D, which sets a minimum lot size of 10 hectares, is designed specifically for rural residential properties in the 10+ hectare range. The use of the lot-size threshold in Ireneinc’s decision tree prevents my property from accessing the DP6 balancing question, which is required by the Zone Guidelines.

The use of lot size to exclude properties from access to the RLZ affects most of the properties in this collective submission. One example is illustrated below. Figure 19 shows the location and lot sizes of the properties in this example.

Figure 19: location and lot sizes of 400, 410, 442, and 446 Allen’s Rivulet Rd

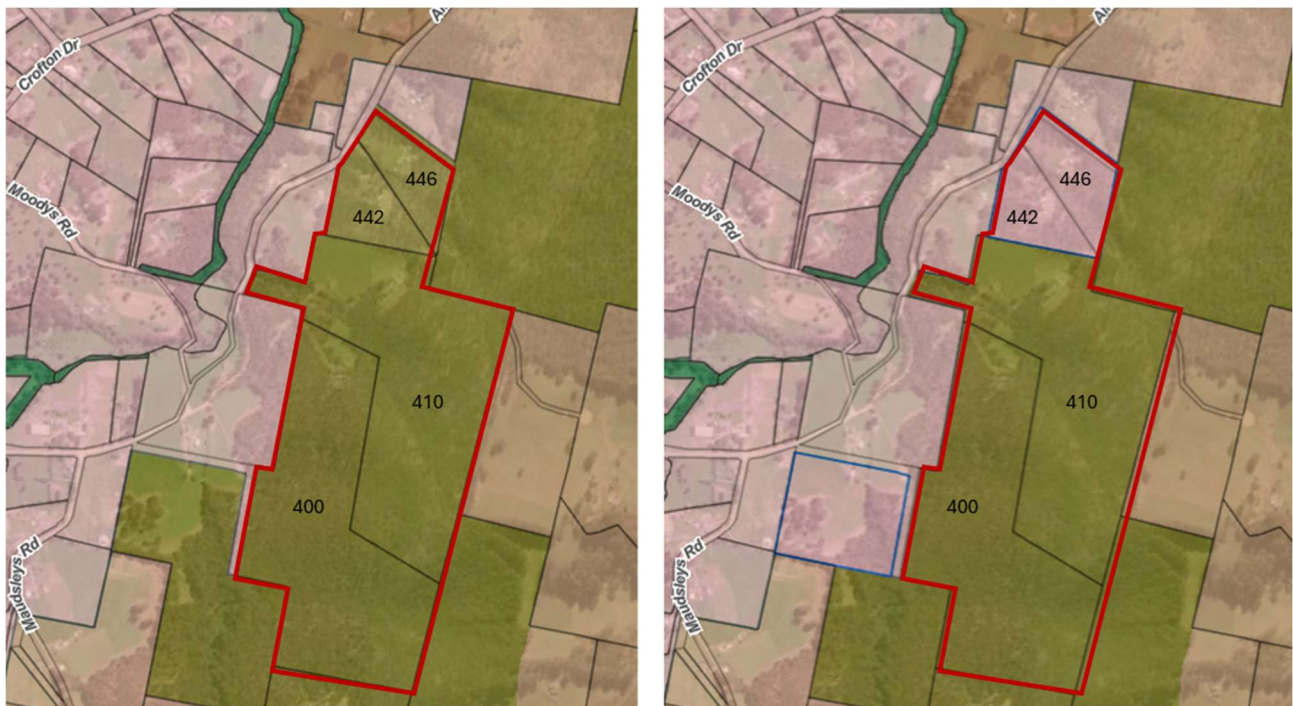
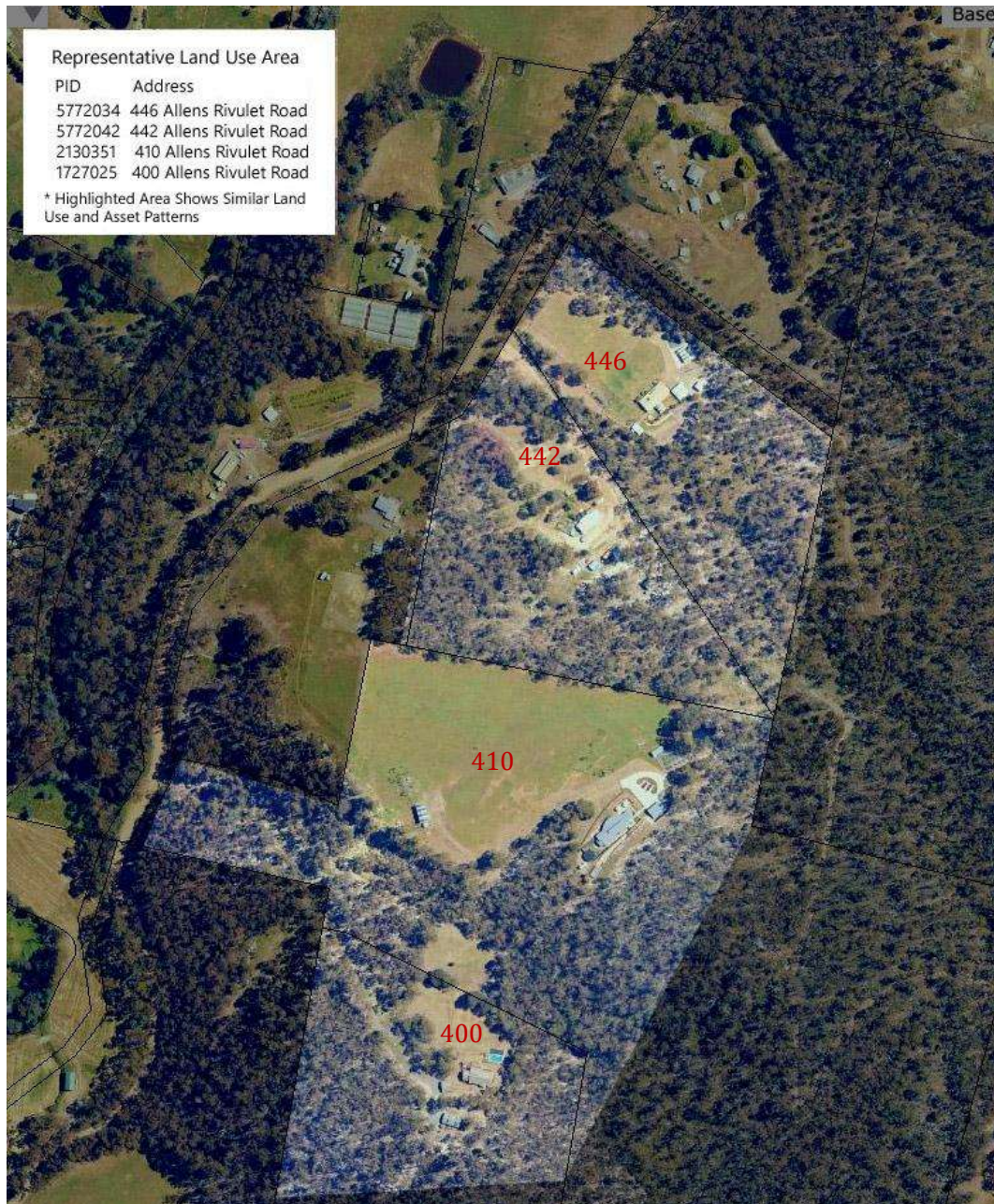


Figure 20 on the following page clearly illustrates the similar land use across the four properties. The only substantive difference among these properties is lot size, yet 4 of them have been allocated to different zones, under the Ireneinc review:

- 442 and 446 Allen’s Rivulet Rd are recommended for RLZ
- 400 and 410, Allen’s Rivulet Rd are retained in LCZ.

There is no landscape, vegetation, ecological, or land-use difference between these properties that could rationally explain the divergent zone outcomes. The disparity appears to stem from using a map-based boundary rather than a site-specific assessment. The Commission is encouraged to conclude that this inconsistency, along with the other evidence provided, clearly shows that the Ireneinc framework should not be the deciding factor for the zone outcome. As Argument D suggests, directly applying the Zone Guidelines to the common features of our properties yields the appropriate result.

Figure 20. Four subject properties showing similar land-use characteristics.



PART 6 — RELEVANT COMMENTS FROM THE DAY 20 HEARING

The following comments made by TPC delegates or Ireneinc at the Day 2 hearing on 16 April 2026 are directly relevant to our locality and our submission. We ask the Commission to have regard to these comments.

- At [06:55:53–06:58:31], Chair Nick Heath explicitly invited collective submissions and confirmed that future hearings will be organised locality by locality, enabling groups to present collectively as well as individually. We ask the Commission to arrange the hearing for our localities accordingly.
- At [06:45:48], Chair Nick Heath confirmed that the Commission will decide on the basis of section 34 LUPAA criteria, and that Kingborough Council's 16 March 2026 resolution favouring the 'least restrictive alternative' is not binding on the Commission. The Commission will reach its own independent assessment
- At [05:53:00], Kate Heckelmann of Ireneinc confirmed that the evaluation framework is not a statutory instrument — it is a tool, not a rule. The Commission is not bound by framework outputs and must apply the section 34 LUPAA criteria and Zone Guidelines directly. Where the Ireneinc framework produces outcomes inconsistent with those Guidelines — as it does for the Maudsleys Road larger-lot properties by denying them access to the Decision Point 6 balancing question — the Commission should apply the Guidelines directly.
- At [02:33:54], the TPC panel effectively found that the Priority Vegetation Area overlay and Scenic Protection Code do the landscape-protection work in areas where those overlays apply, removing the justification for Landscape Conservation Zone in those areas. All properties in our group are subject to these overlay codes. This principle directly supports our submission.

PART 7 — WHAT WE ARE ASKING THE COMMISSION TO DO

We collectively request that the Commission:

- Determine that the draft Kingborough LPS should be modified to include each of the properties listed in Part 2 within the Rural Living Zone (most properties, subcategory appropriate to each lot — RLZ-A, B, C, or D), rather than the Landscape Conservation Zone (LCZ) or other zone currently proposed for those properties.
- Have regard to the shared characteristics and shared arguments set out in this collective submission when assessing each of our individual submissions.
- Organise the hearing for our locality so that our group can present collectively as well as individually, as Chair Heath invited at the Day 20 hearing [06:55:53].

PART 8 — DECLARATION AND SIGNATURES

Each signatory below confirms that:

- This submission has been prepared to support a formal written submission to the Tasmanian Planning Commission in relation to the Kingborough Local Provisions Schedule (Direction 69).
- The information in this submission is, to the best of my knowledge, accurate.
- I am the owner or authorised representative of the property identified against my name in Part 2.
- I have also lodged, or will lodge by the deadline, a separate individual submission addressing my specific property.

Signatory 1 Full name: [REDACTED] Address: 450 Allens Rivulet Road, Allens Rivulet TAS 7150	Title Ref: 111526/1 Signature: [REDACTED] Date: [REDACTED]	[REDACTED]
Signatory 2 Full name: [REDACTED] Address: 446 Allens Rivulet Road, Allens Rivulet TAS 7150	Title Ref: 9478/1 Signature: [REDACTED] Date: [REDACTED]	
Signatory 3 Full name: [REDACTED] Address: 442 Allens Rivulet Road, Allens Rivulet TAS 7150	Title Ref: 9478/2 Signature: [REDACTED] Date: [REDACTED]	
Signatory 4 Full name: [REDACTED] Address: 410 Allens Rivulet Road, Allens Rivulet TAS 7150	Title Ref: 123655/3 Signature: [REDACTED] Date: [REDACTED]	
Signatory 5 Full name: [REDACTED] Address: 400 Allens Rivulet Road, Allens Rivulet TAS 7150	Title Ref: 123656/1 Signature: [REDACTED] Date: [REDACTED]	
Signatory 6 & 7 Full name: [REDACTED] Address: 360 & 362 Allen's Rivulet Rd, Allen's Rivulet TAS 7150	Title Ref: 205019/1 Signature: [REDACTED] Date: 3/5/2026	
Signatory 8 Full name: [REDACTED] Address: 31 Mudges Road, Allens Rivulet TAS 7150	Title Ref: 46538/1 Signature: [REDACTED] Date: [REDACTED]	
Signatory 9 Full name: [REDACTED] Address: 35 Mudges Road, Allens Rivulet TAS 7150	Title Ref: 182619/2 Signature: [REDACTED] Date: 3/5/2026	
Signatory 10 Full name: [REDACTED] Address: [REDACTED] Allens Rivulet TAS 7150	Title Ref: 130582/1 Signature: [REDACTED] Date: [REDACTED]	

Signatory 11 Full name: [REDACTED] Address: 139 Maudsleys Road, Allens Rivulet TAS 7150	Title Ref: 130579/1 Signature: Date:	[REDACTED]
Signatory 12 Full name: [REDACTED] Address: 134 Maudsleys Road, Allens Rivulet TAS 7150	Title Ref: 111534/1 Signature: Date:	
Signatory 13 Full name: [REDACTED] Address: 136 Maudsleys Road, Allens Rivulet TAS 7150	Title Ref: 130581/1 Signature: Date:	
Signatory 14 Full name: [REDACTED] Address: 57 Cliff View Drive, Allens Rivulet TAS 7150	Title Ref: 104213/1 Signature: Date:	
Signatory 15 Full name: [REDACTED] Address: 75 Mountain Road, Allens Rivulet TAS 7150	Title Ref: 11662/12 Signature: This property owner has moved else Date:	
Signatory 16 Full name: [REDACTED] Address: 80 Mountain Road, Allens Rivulet TAS 7150	Title Ref: 183929/11 Signature: Date:	
Signatory 17 Full name: [REDACTED] Address: 100 Mountain Road, Allens Rivulet TAS 7150	Title Ref: 183929/1 Signature: Date:	
Signatory 18 Full name: [REDACTED] Address: 315 Lawless Road, Margate TAS 7054	Title Ref: 181826/1 Signature: Date: 4/5/2026	
Signatory 19 Full name: [REDACTED] Address: 225 Lawless Road, Margate TAS 7054	Title Ref: 157362/1 Signature: Date:	

Signatory 20 Full name: [REDACTED] Address: 152 Lawless Road, Margate TAS 7054	Title Ref: 250215/1 Signature: Date: 4/5/2026	[REDACTED]
Signatory 21 Full name: [REDACTED] Address: Lot 3 Lawless Road, Margate TAS 7054	Title Ref: 142706/3 Signature: Date:	
Signatory 22 Full name: [REDACTED] Address: 41 Cuthberts Road, Margate TAS 7054	Title Ref: 143544/1 Signature: unable to be included in this s	
Signatory 23 Full name: [REDACTED] Address: 39 Cuthberts Road, Margate TAS 7054	Title Ref: 143544/2 Signature: Date: 4/5/2026	
Signatory 24 Full name: [REDACTED] Address: 28 Hillcrest Road, Margate TAS 7054	Title Ref: 130921/1 Signature: Dave is u being in the hospital permission to be inc	
Signatory 25 Full name: [REDACTED] Address: 530 Nierinna Rd, Margate TAS 7054	Title Ref: 6018/1 Signature: Date: 4/5/2026	
Signatory 26 Full name: [REDACTED] Address: 470 Nierinna Rd, Margate TAS 7054	Title Ref: 117421/1 Signature: Date:	
Signatory 27 Full name: [REDACTED] Address: 510 Nierinna Rd, Margate TAS 7054	Title Ref: 115368/1 Signature: Date: 4/5/2026	
Signatory 28 Full name: [REDACTED] Address: 540 Nierinna Rd, Margate TAS 7054	Title Ref: 202673/1 Signature: Date: 4/5/2026	

Properties not subject of Ireneinc report, but relevant to this submission

Each signatory below confirms that:

- This submission has been prepared to support a formal written submission to the Tasmanian Planning Commission in relation to the Kingborough Local Provisions Schedule (Direction 69).
- The information in this submission is, to the best of my knowledge, accurate.
- I am the owner or authorised representative of the property identified against my name in Part 2.

Signatory 29 Full name: [REDACTED] Address: 53 Maudsleys Road, Allens Rivulet TAS 7150	Title Ref: 102344/1, 100421/2, 100421/3 Sign Date
Signatory 30 Full name: [REDACTED] Address: 86 Maudsleys Road, Allens Rivulet TAS 7150	Title Philip Barris LIVER Email: Phon 166 Li 7000 Date
Signatory 31 Full name: [REDACTED] Address: 87 Maudsleys Road, Allens Rivulet TAS 7150	Title Sign Date
Signatory 32 Full name: [REDACTED] Address: 19 Mudges Road, Allens Rivulet TAS 7150	Title Sign Date
Signatory 33 Full name: [REDACTED] Address: 21 Mudges Road, Allens Rivulet TAS 7150	Title Sign Date
Signatory 34 Full name: [REDACTED] Address: 20 Mudges Road, Allens Rivulet TAS 7150	Title Sign Date
Signatory 35 Full name: [REDACTED] Address: 149 Blue Gate Road, Margate TAS 7054	Title Sign Date

Appendix 1 – PROPERTY DETAILS

Submission ID #	Full name	Property address	Title reference	Property size (ha)	Current zone	Zone proposed (Kingborough Council)	Zone proposed (Ireneinc)	Zone sought	Current Code Overlay ⁹	Proposed code overlays ¹⁰
1		450 Allens Rivulet Road, Allens Rivulet TAS 7150	9558720	47.94	ELZ	LCZ	LCZ	RLZ-D	E1.0; E3.0; E9.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0
2		446 Allens Rivulet Road, Allens Rivulet TAS 7150	5772034	2.97	RRZ	LCZ	RLZ	RLZ-B	E1.0; E3.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0
3		442 Allens Rivulet Road, Allens Rivulet TAS 7150	5772042	3.08	RRZ	LCZ	RLZ	RLZ-B	E1.0; E3.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0
4		410 Allens Rivulet Road, Allens Rivulet TAS 7150	2130351	20.72	ELZ	LCZ	LCZ	RLZ-D	E1.0; E3.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0
5		400 Allens Rivulet Road, Allens Rivulet TAS 7150	1727025	20.34	ELZ	LCZ	LCZ	RLZ-D	E1.0; E3.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0
6		360 Allen's Rivulet Rd, Allen's Rivulet TAS 7150	5772050	9.63ha	RRZ	RLZ-C	RLZ-C	RLZ-C	E1.0; E3.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0
7		362 Allen's Rivulet Rd, Allen's Rivulet TAS 7150	5772050	14.24ha	ELZ	LCZ	LCZ/RLZ split zone	RLZ-D	E1.0; E3.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0
8		31 Mudges Road, Allens Rivulet TAS 7150	2760230	6.04	ELZ	LCZ	LCZ	RLZ-C	E1.0; E3.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0
9		35 Mudges Road, Allens Rivulet TAS 7150	9178754	21.35	ELZ	LCZ/RZ split	LCZ/RZ split	RLZ -D	E1.0; E3.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0
10		██████████ Allens Rivulet TAS 7150	1958288	22.96	ELZ	LCZ	LCZ/RZ split	RLZ-D	E1.0; E3.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0
11		139 Maudsleys Road, Allens Rivulet TAS 7150	1957322	13.11	ELZ	LCZ	LCZ	RLZ-D	E1.0; E3.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0
12		134 Maudsleys Road, Allens Rivulet TAS 7150	2849083	6.59	ELZ	LCZ	RZ	RLZ-C	E1.0; E3.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0
13		136 Maudsleys Road, Allens Rivulet TAS 7150	1964928	19.95	ELZ	LCZ	LCZ/RZ split	RLZ-D	E1.0; E3.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0
14		57 Cliff View Drive, Allens Rivulet TAS 7150	1890084	9.66	ELZ	LCZ	RZ	RLZ-D	E1.0; E3.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0
15		75 Mountain Road, Allens Rivulet TAS 7150	5772114	4.53	ELZ	LCZ	RLZ	RLZ-C	E1.0; E3.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0
16		80 Mountain Road, Allens Rivulet TAS 7150	9717721	2.16	ELZ	LCZ	RLZ	RLZ-B	E1.0; E3.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0
17		100 Mountain Road, Allens Rivulet TAS 7150	9564560	21.36	ELZ	LCZ	LCZ/RZ split	LCZ/RLZ-D split	E1.0; E3.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0
18		315 Lawless Road, Margate TAS 7054	9126946	74.20	ELZ	LCZ	LCZ	RLZ-D	E1.0; E3.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0

⁹Legend for Current Code Overlays E1.0 Bushfire-Prone Areas Code E3.0 Landslide Code E9.0 Attenuation Code E10.0 Biodiversity Code E11.0 Waterway and Coastal Protection Code E14.0 Scenic Landscapes Code¹⁰ Legend for proposed Code Overlays: C7.0 WCPA - Waterway and Coastal Protection Area C7.0 PVA - Priority Vegetation C8.0 Scenic Protection Area C12.0 Flood-Prone Areas C13.0 Bushfire-Prone Areas C15.0 Landslip Hazard

Submission ID #	Full name	Property address	Title reference	Property size (ha)	Current zone	Zone proposed (Kingborough Council)	Zone proposed (Ireneinc)	Zone sought	Current Code Overlay ⁹	Proposed code overlays ¹⁰
19		225 Lawless Road, Margate TAS 7054	3070020	17.30	ELZ	LCZ	LCZ/RZ split	RLZ-D	E1.0; E3.0, E9.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C12.0, C13.0; C15.0
20		152 Lawless Road, Margate TAS 7054 (also listed as 37 Mudies Rd)	5773416	28.38	ELZ	LCZ	LCZ/RZ split	RLZ-D	E1.0; E3.0, E9.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C12.0, C13.0; C15.0
21		Lot 3 Lawless Road, Margate TAS 7054	2601512	15.80	ELZ	LCZ	LCZ	RLZ-D	E1.0; E3.0, E9.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0, C13.0; C15.0
22		41 Cuthberts Road, Margate TAS 7054	2599854	6.51	ELZ	LCZ	LCZ/RZ split	RLZ-D	E1.0; E3.0, E9.0; E10.0, E14.0	C7.0 WCPA; C7.0 PVA; C8.0, C12.0, C13.0; C15.0
23		39 Cuthberts Road, Margate TAS 7054	2599862	7.99	ELZ	LCZ	LCZ/RZ split	RLZ-D	E1.0; E3.0, E9.0; E10.0; E11.0; E14.0	C7.0 PVA; C8.0, C13.0; C15.0
24		28 Hillcrest Road, Margate TAS 7054	9478677	8.46	ELZ	LCZ	LCZ	RLZ-D	E1.0; E3.0, E9.0; E10.0; E11.0; E14.0	C7.0 PVA; C8.0, C13.0; C15.0
25		530 Nierinna Rd, Margate TAS 7054	5787682	20.26ha	ELZ	LCZ	LCZ	RLZ-D	E1.0; E3.0, E9.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0, C12.0, C13.0; C15.0
26		540 Nierinna Rd, Margate TAS 7054	9980418	19.99ha	ELZ	LCZ	LCZ	RLZ-D	E1.0; E3.0, E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0, C12.0, C13.0; C15.0
27		510 Nierinna Rd, Margate TAS 7054	1951510	1.69ha	ELZ	LCZ	LCZ	RLZ-D	E1.0; E3.0, E9.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0, C12.0, C13.0; C15.0
28		470 Nierinna Rd, Margate TAS 7054	9980418	6.31ha	ELZ	LCZ	LCZ	RLZ-D	E1.0; E3.0, E9.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0, C12.0, C13.0; C15.0

The following properties are not subject to the Ireneinc report. They are included here as they are relevant to this submission. Property owners have been contacted and are supportive of their inclusion in the case for a landscape-scale alternative zoning solution for the Allen’s Rivulet/Nierinna corridor.

Submission ID #	Full name	Property address	Title reference	Property size (ha)	Current zone	Zone proposed (Kingborough Council)	Zone proposed (Ireneinc)	Would accept zone	Current Code Overlay ¹¹	Proposed code overlays ¹²
29		53 Maudsleys Road, Allens Rivulet TAS 7150 (6.79 ha)	7883491 (3 titles)	6.79 1.25 0.38	RRZ	RZ	RZ	RLZ-D	E1.0; E3.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0
30		86 Maudsleys Road, Allens Rivulet TAS 7150	1547905	10.07	RRZ	RZ	RZ	RLZ-D	E1.0; E3.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0
31		87 Maudsleys Road, Allens Rivulet TAS 7150	1534629	9.09	RRZ	RZ	RZ	RLZ-D	E1.0; E3.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0
32		19 Mudges Road, Allens Rivulet TAS 7150	1554064	1.03	RRZ	RZ	RZ	RLZ-A	E1.0; E3.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0
33		21 Mudges Road, Allens Rivulet TAS 7150	2760222	7.90	RRZ	RZ	RZ	RLZ-C	E1.0; E3.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0
34		20 Mudges Road, Allens Rivulet TAS 7150	1660668	11.82	RRZ	RZ	RZ	RLZ-D	E1.0; E3.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0
35		149 Blue Gate Road, Margate TAS 7054	9178753	7.14ha	ELZ	RZ	RZ	RLZ -D	E1.0; E3.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0

¹¹Legend for Current Code Overlays E1.0 Bushfire-Prone Areas Code E3.0 Landslide Code E9.0 Attenuation Code E10.0 Biodiversity Code E11.0 Waterway and Coastal Protection Code E14.0 Scenic Landscapes Code

¹² Legend for proposed Code Overlays: C7.0 WCPA - Waterway and Coastal Protection Area C7.0 PVA - Priority Vegetation C8.0 Scenic Protection Area C12.0 Flood-Prone Areas C13.0 Bushfire-Prone Areas C15.0 Landslip Hazard

Appendix 2 - Allens Rivulet / Margate: Landscape Character Change 1965–2025

Aerial Photographic Evidence of Progressive Canopy Closure

Annexure to Collective Planning Submission — Kingborough Local Provisions Schedule | April 2026

1. Purpose and Scope

This annexure presents a chronological sequence of aerial photographs of the Allens Rivulet and Margate hinterland from 1965 to 2025. The photographs are sourced from TASMAP aerial survey archives and Google Earth, spanning approximately 60 years. Taken together, they provide direct visual evidence of a significant and ongoing transformation in the landscape character of the valley floors and slopes over that period. They show a progressive transition from a predominantly open, agriculturally managed mosaic to a closed-canopy forested landscape that dominates much of the subject area, while a residentially managed mosaic prevails in other parts.

This evidence is relevant to the Collective Submission in two ways. Firstly, it shows that the landscape character of the subject area is not static but has evolved substantially due to changes in land use and management practices. With the decline of active horticultural and pastoral agriculture, there has been an associated natural regeneration and encroachment of native vegetation. Secondly, it supports the argument in Section 4.4 of the Collective Submission that some of the subject areas are exhibiting the characteristics of a 'landscape trap' (Lindenmayer et al. 2011), in which the cessation of active management has allowed canopy closure to advance to a point where the original open mosaic is difficult or impossible to restore without deliberate intervention. The Rural Living Zone, rather than the Landscape Conservation Zone, provides the appropriate regulatory framework to enable and encourage that restoration and to maintain it.

Nine representative aerial photographs have been selected to cover each decade of the study period and prioritise images with clear coverage of the Allens Rivulet locality.

2. Chronological Aerial Photograph Sequence

1960s: Peak Agricultural Mosaic

The 1965 and 1967 images show the Allens Rivulet area at its most open. The landscape is dominated by cleared paddocks, orchard rows, and managed grasslands with patches of retained native forest, and areas of dense native vegetation confined to steep slopes and ridges. The high contrast between clear and vegetated areas, characteristic of active orchard and pastoral agriculture, produces the visually varied mosaic that the European Landscape Convention (2000) and the FPA's Forest Landscape Management manual identify as the scenic optimum for this landscape character type. Orchard rows are clearly discernible in both images, confirming active fruit production at this date.



Figure 1: Allens Rivulet, Jan 1965. Open agricultural mosaic with orchards and clear paddocks dominant across the valley floor and slopes. TASMAR aerial survey.

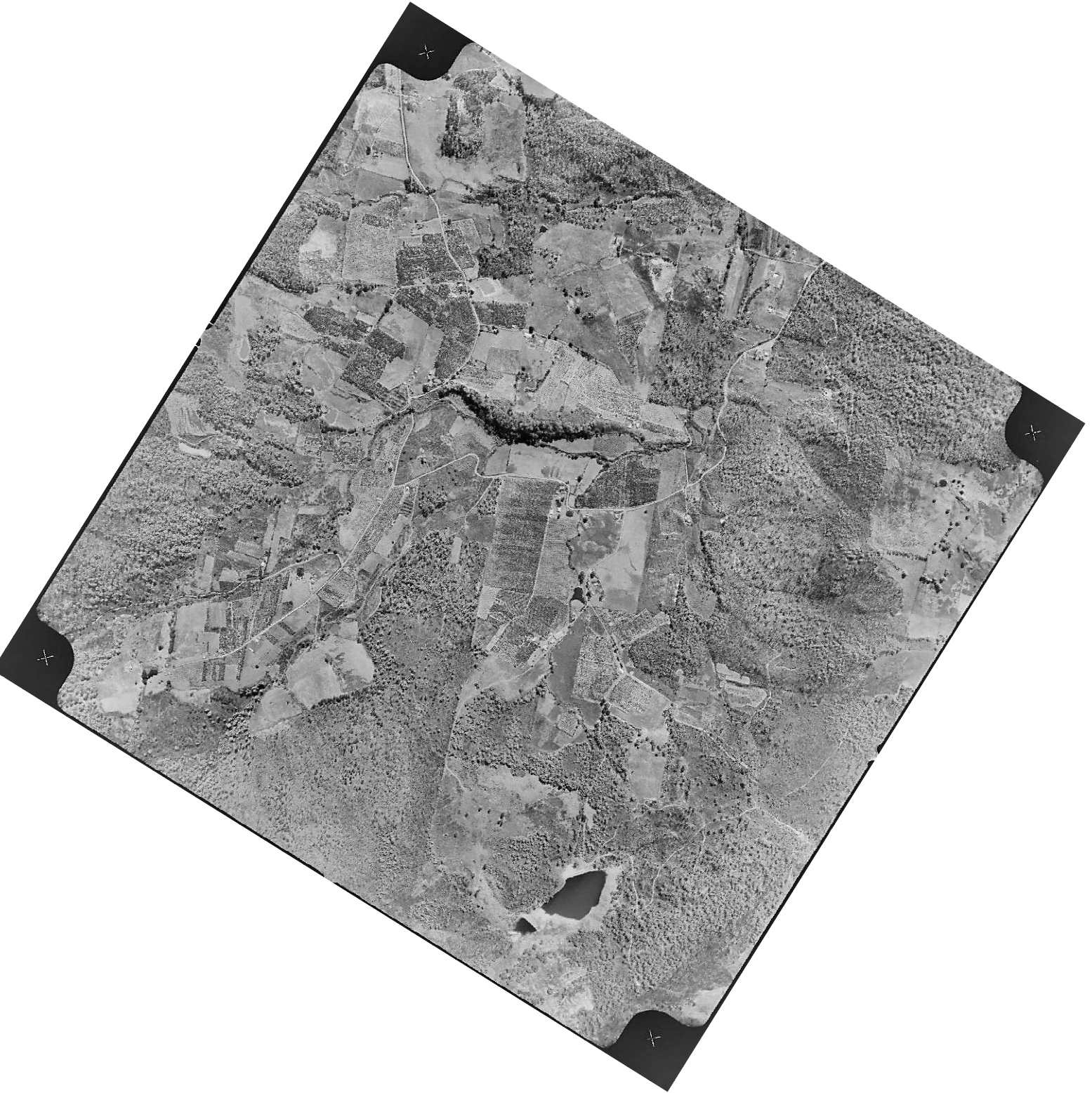


Figure 2: Allens Rivulet, February 1967. Maximum openness. Orchard rows visible in the lower areas. High light/dark contrast across the subject area reflects actively managed agricultural land. Taken only a few days after the 1967 fires, the visible burnt areas will regenerate densely in subsequent years.

1970s: Continued Agricultural Activity with Early Signs of Change

By the mid-1970s the overall character remains open and agriculturally managed, but the first signs of vegetation encroachment are evident in some paddock margins and gully lines. Areas of native vegetation burnt in 1967 are regenerating thickly. The agricultural mosaic is still clearly legible, with the valley floor retaining its characteristic light tones of open grassland and orchards. The 1975 image, taken from a higher altitude, shows the broader context. While the lower areas remain predominantly open, the surrounding higher areas carry an unmanaged vegetation fringe that will expand significantly in subsequent decades.



Figure 3: Allens Rivulet area, 1975. Valley floor remains predominantly open with managed agricultural character. Vegetation fringe visible on steeper slopes and ridge margins. TASMAP aerial survey.

1980s: Agricultural Decline and Changes in Land Use

The 1981 image, which was taken as part of a Private Forests survey, shows the area still carrying significant open areas. The overall mosaic character persists, but the clarity of orchard rows has diminished compared with the 1960s, suggesting some reduction in active orchard management. This decade marks the beginning of the structural shift that will accelerate through the 1990s and 2000s. As commercial agricultural viability declines, residential subdivision takes over in some areas while elsewhere previously clear land is progressively ceded to natural regeneration of native forest.



Figure 4: Allens Rivulet, 1981. Private Forests survey. Open mosaic still predominant but signs of transition visible as native vegetation expands and tree canopies close, while residential subdivision starts to appear.

1990–2000: Accelerating Regrowth and Loss of Mosaic

The 1990 and 1996 images record the most significant period of landscape character change in the study period. By 1990, natural regeneration is visibly taking over former paddock areas, particularly on mid-slopes. The valley floor retains some open character but the high-contrast mosaic of the 1960s has softened considerably. By 1996, as captured in the first colour survey image, the landscape has undergone a decisive shift. The green canopy cover now dominates the mid and upper slopes, with remaining open areas concentrated on the valley floor and maintained by land uses related to residential activity and active grazing. Where residential properties contain native vegetation, this is also generally expanding and contributing to a residential landscape mosaic.



Figure 5: Allens Rivulet, 1990. Regrowth expanding strongly on slopes. Mosaic still evident on valley floor and lower slopes, but contrast and openness significantly reduced compared with 1965–1967.



Figure 6: Allens Rivulet, 24 February 1996 (colour). S.E. Forestry Extension survey. Canopy closure now dominant across mid and upper slopes. Open areas confined to lower slopes and valley floor where residential activity is expanding.

2000s: Consolidation of Forested Character

The 2004 image, taken as part of the Huon-Derwent Urban OPM programme, shows much of the landscape in a substantially forested state. Remaining open areas are clearly confined to parcels under active management, now forming islands within a predominantly vegetated matrix rather than the dominant feature they once were. Rural residential development is increasingly evident in this period, confirming that the landscape character is now being largely driven by lifestyle rural residential land use, with decline of active agricultural management and the subdivision of former agricultural holdings. The 2010 image confirms the continued trajectory of increasing tree cover across valley slopes and ridgelines where it is now dense and largely continuous, with the agricultural mosaic substantially extinguished.



Figure 7: Allens Rivulet, 28 March 2004. Huon-Derwent Urban OPM survey. Forested character now dominant. Many open areas are isolated management units within a vegetated matrix.



Figure 8: Allens Rivulet, 2010. Substantial further canopy closure compared with 2003. Ridge and upper slope canopies largely continuous. Scattered openings on the slopes. Valley floor retains open areas, with increasing areas of native vegetation on residential properties, augmenting the mosaic landscape.

2025: Predominantly Forested Landscape

The 2025 satellite image shows the current state of the 60-year transition. Ridges and upper slopes are almost entirely under closed canopy. The open mosaic character that was the dominant feature of the landscape in 1965 is now visible only in residual form, with areas of mosaic where there is residential activity, or paddocks under active management, and a limited number of properties where deliberate clearing has been carried out. The canopy closure on the higher ground is sufficient to qualify as a landscape trap in the sense described by Lindenmayer et al. (2011). It has passed a threshold beyond which restoration of the open mosaic character requires active, deliberate sustained management effort.

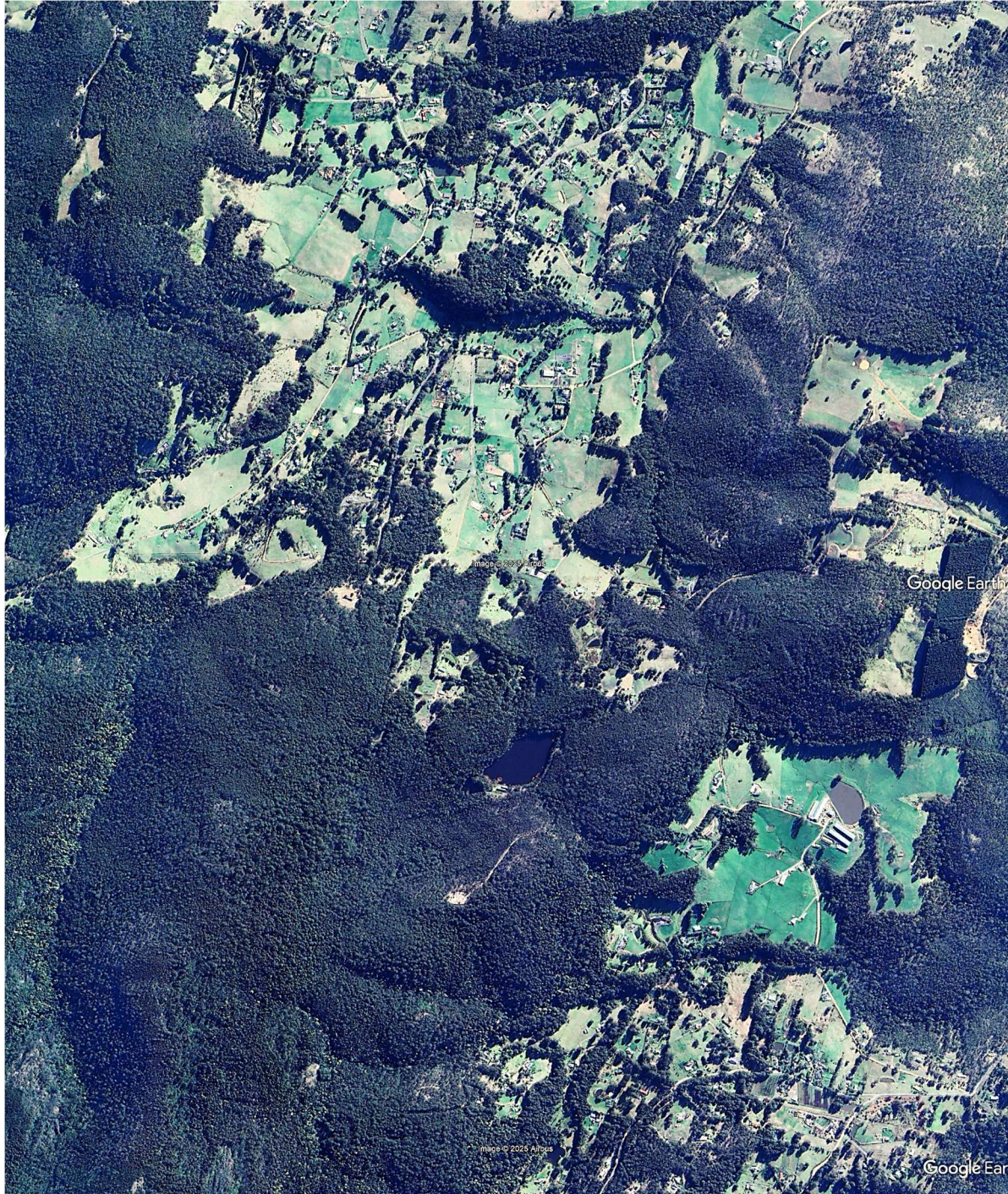


Figure 9: Allens Rivulet, 2025 (Google Earth imagery). Ridgelines under almost continuous closed canopy. Open mosaic character survives only in residual form on actively managed parcels.

3. Synthesis: The Trajectory of Landscape Change

The photographic record presented in this annexure documents a consistent, directional, and accelerating transition in landscape character across the Allens Rivulet and Margate hinterland. The key findings are as follows.

- The 1960s landscape was characterised by an agricultural mosaic of cleared paddocks, orchards and other horticultural activities, managed grasslands, and retained native vegetation, consistent with the scenic optimum, a 40–60% ratio of trees to open space, as described in the FPA’s Forest Landscape Management manual for Landscape Character Type 6 (South-east Coastal Hills).
- From approximately 1970 onward, the decline of commercial-scale agriculture has allowed native vegetation to regenerate across former grazing and horticulture areas. This process accelerated markedly through the 1990s as rural residential subdivisions replaced some of the agricultural holdings, becoming the predominant land use and augmenting the mosaic landscape in those areas, while other properties were essentially abandoned, no longer maintaining the management regimes that had created and/or sustained their open mosaic character.
- By 2025, the landscape has shifted to mostly closed or semi-closed canopy cover on ridges and mid-slopes. The open mosaic seen in the 1965–1967 baseline remains only in isolated, actively managed areas. This development aligns with the landscape trap concept by Lindenmayer et al. (2011), which explains how human and natural disturbances create feedback loops that push landscapes into a degraded state resistant to recovery. The decline in active management has led to canopy expansion and increased fuel loads, resulting in dense, continuous vegetation. This heightens the risk of severe fires, which would worsen structural complexity loss and hinder recovery, rather than restore the open mosaic. According to Lindenmayer et al.’s framework, the landscape has likely crossed a threshold, making natural recovery to the open mosaic unlikely without targeted, ongoing efforts.
- The transition has occurred despite no formal change in planning zone or land use category. It is a product of changed management practice at the parcel level, not of any planned or sanctioned landscape-scale change. This underscores the argument that zone allocation alone does not determine landscape character outcome and that management and incentive frameworks are equally important.

4. Relevance to Planning Arguments

The aerial photographic evidence presented in this annexure directly supports the arguments advanced in Section 4.4 of the collective submission. Specifically:

- Landscape character is a product of human as well as natural factors (European Landscape Convention 2000; Mariani et al. 2017). The evidence shows that the open agricultural mosaic that characterised Allens Rivulet in the mid-twentieth century was itself a product of sustained human management over many decades, centuries and even millennia. It did not arise spontaneously and has not been maintained in the absence of that management. A planning framework that treats the present closed-canopy state as the natural or desirable baseline misapplies the landscape character concept and privileges one

historically contingent state over another without acknowledging the human agency involved in both.

- The trajectory documented here is consistent with the landscape trap hypothesis (Lindenmayer et al. 2011; Bowman 2026). The transition from open mosaic to closed canopy has passed a threshold at which spontaneous reversal is unlikely. Active land management is required to maintain and restore open mosaic character. The Rural Living Zone, with its framework of permitted and discretionary low-intensity rural uses that facilitates the maintenance of clearings, provides the regulatory conditions under which such management is practicable. By contrast, the Landscape Conservation Zone, which treats vegetation retention as the primary land use objective, would systematically disadvantage management practices that would arrest or reverse canopy closure.
- The visual evidence also reinforces the Southern Tasmanian Regional Guidelines' (Inspiring Place/Geoscene 2018) approach to scenic assessment, by which scenic value is properly assessed through systematic visual analysis, not through vegetation density as a proxy. The landscapes of highest scenic quality visible in the 1965–1967 images, that best embody the 'scenic optimum' of 40–60% tree-to-open-space ratio for Landscape Character Type 6, were landscapes of active agricultural management. Present-day scenic quality cannot be assessed by reference to current vegetation cover alone. The historical trajectory documented in this annexure is an essential part of the assessment.
- Where rural land containing native vegetation (including land currently zoned Rural Living) has been converted to residential use over the study period, the areas of native vegetation have generally been retained and expanded over the decades, maintaining and restoring the mosaic scenic optimum landscape values.

The Commission is respectfully invited to have regard to this photographic evidence when considering the appropriate zone allocation for the properties the subject of this submission. It demonstrates that the landscape of Allens Rivulet and the Margate hinterland has a documented history as a managed agricultural landscape that is transforming to a managed residential landscape. It demonstrates that where residential land uses have persisted over time, a desirable mosaic landscape character has been maintained and restored. On the other hand, on some former agricultural properties where residential activity has been absent, a dense forested landscape has developed, the result of management change and not necessarily the most desirable landscape or ecological outcome. This evidence clearly indicates that the Rural Living Zone is the appropriate regulatory vehicle for ensuring the management conditions that maintain and, over time, restore the area's scenic rural character.

Image Sources

Figures 1–7: TASMAP aerial survey archives, various dates as captioned. Reproduced for planning submission purposes.

Figures 8 and 9: Current satellite imagery (2025). Source: Google Earth Pro.

Key References

Bowman, D. (2026). [Reference as cited in Collective Submission Section 4.4.]

Council of Europe (2000). European Landscape Convention. Florence.

Forest Practices Authority (undated). Manual for Forest Landscape Management. Hobart.

Inspiring Place Pty Ltd and Geoscene International (2018). Southern Tasmania Regional Landscape Assessment. Prepared for Southern Tasmanian Councils Authority.

Lindenmayer, D., Fischer, J., Felton, A., et al. (2011). "Landscape traps" and their relevance to ecosystem management. *Journal of Applied Ecology*, 48(3), 563–568.

Mariani, M., et al. (2017). Landscape as viewed through the lens of the ELC. *Landscape Research*, 42(4).

Appendix 3 — MOSAIC LANDSCAPE OF RURAL KINGBOROUGH: AERIAL ILLUSTRATIONS

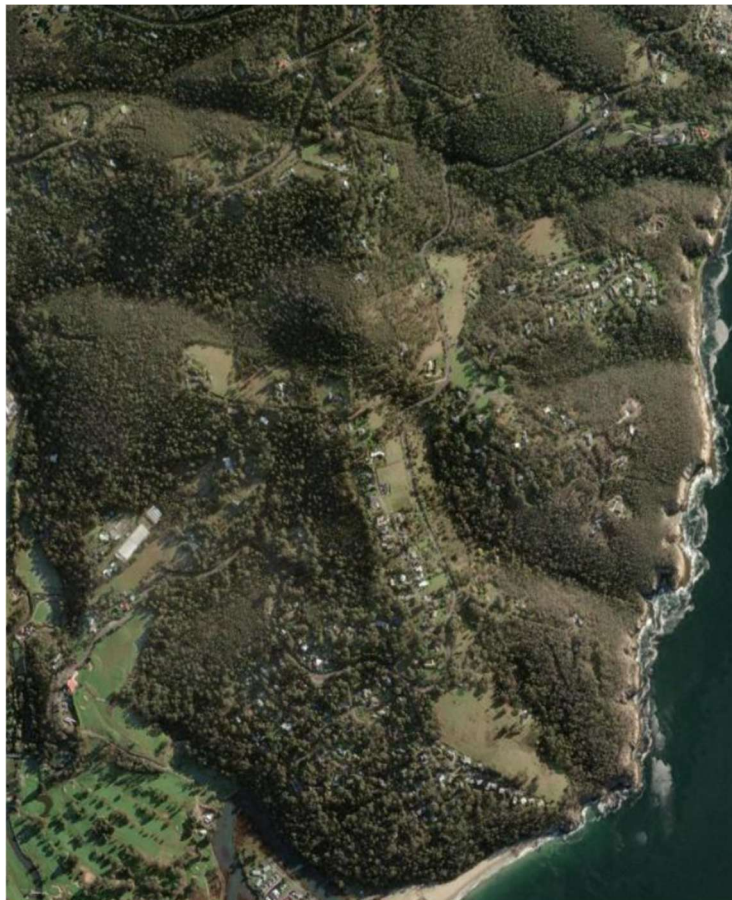
What is perhaps not widely recognized is the extent and significance of the mosaic landscape in rural Kingborough. The four high-value landscape examples, identified by both the Kingborough Council in its Local Provisions Schedule Supporting Document and Ireneinc in the LCZ Review, mainly consist of a mosaic of forest, open woodland, and clear land. This becomes more apparent when viewing aerial images of these areas. Figures 46 to 49 from the Kingborough Local Provisions Schedule Supporting Document are included below, alongside aerial views of each landscape.

Bonnet Hill / Albion Heights

Figure 46 – Bonnet Hill Albion Heights (viewed from Roslyn Avenue, Kingston Beach)



Aerial view of Bonnet Hill / Albion Heights area, Kingborough.



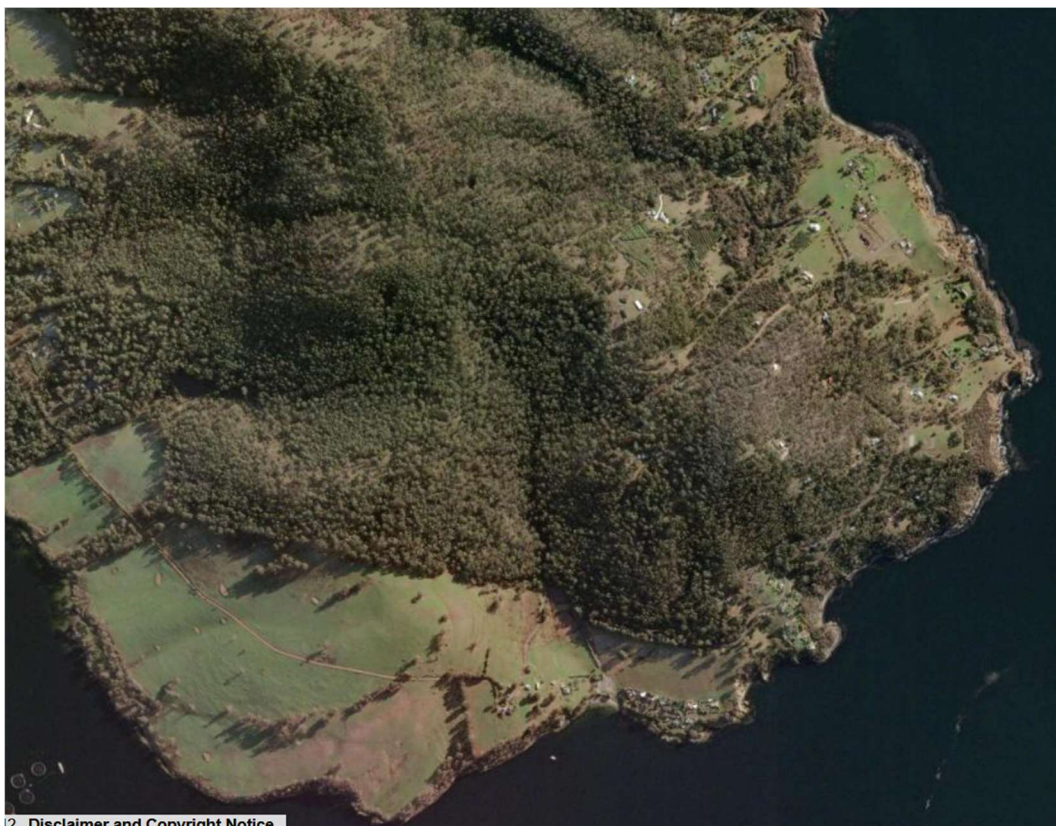
Aerial view of Bonnet Hill / Albion Heights showing mosaic of open land and forest.

Southern Tinderbox Peninsula

Figure 47 – Tinderbox Peninsula (viewed from Dennes Point, Bruny Island)



Aerial view of southern Tinderbox Peninsula.



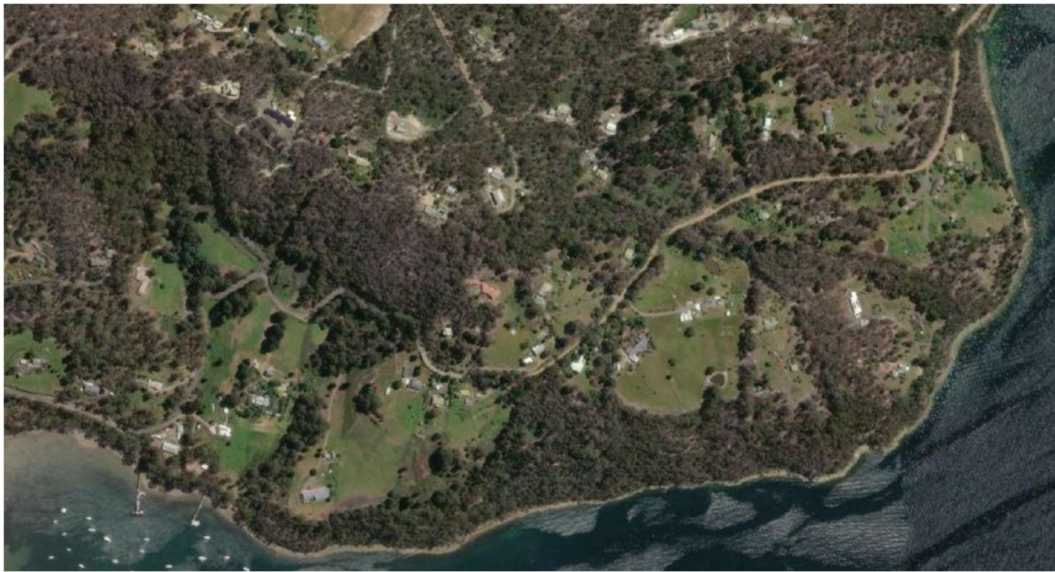
Aerial view of southern Tinderbox Peninsula showing mosaic character.

Southeastern Oyster Cove Peninsula

Figure 48 – Oyster Cove (viewed from Kettering)



Aerial view of southeastern Oyster Cove Peninsula.



Aerial view of southeastern Oyster Cove Peninsula.

Kettering Area



Elevated areas as a backdrop to Kettering — Figure 49 from the Kingborough Local Provisions Schedule Supporting Document.



Aerial view of area west of Kettering.